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MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

S. 2464, S. 2475, S. 2555, S. 2612, H.R. 2174, AND S. 2669

JUNE 26, 1990

PART 2

Printed for the use of the
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MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

TUESDAY, JUNE 26, 1990

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka, presiding.

OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator Akaka. The hearing will come to order.

The purpose of today's hearing is to receive testimony on several bills currently pending before the Subcommittee on Public Lands, National Parks and Forests: S. 2464, to establish the Red Rock Canyon National Conservation Area in the State of Nevada; S. 2475, to provide for the acquisition of the William Johnson House and its addition to the Natchez National Historical Park in Mississippi and four other purposes; S. 2555, to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; S. 2612 and H.R. 2174, to establish a commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor; and S. 2669, to provide for increases in appropriations ceilings for land acquisition and development in certain units of the National Park System and for other purposes.

[The prepared statement of Senator Bumpers follows:]

Statement of Hon. Dale Bumpers, U.S. Senator From Arkansas

I am pleased to note that one of the bills before the Subcommittee today is S. 2612, the Mississippi River Corridor Study Commission bill, which I have cosponsored along with the 19 other Senators from the 10 States bordering the Mississippi River. This legislation would establish a 15 member commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor.

Last Congress, legislation which I authored to establish the Lower Mississippi River Delta Development Commission was enacted into law. That commission was directed to make recommendations regarding economic needs, problems and opportunities in the Lower Mississippi Delta Region, and to develop a 10-year regional economic development plan.

Last month, the Commission submitted its report to the President detailing several recommendations to improve the economic development of the region. I am convinced that before its work is finished, the Delta Development Commission will have a beneficial and lasting impact on this region.

Similarly, I believe the Mississippi River Corridor Study Commission established by S. 2612 will also serve an important role in laying the groundwork for the identification and preservation of the many natural, cultural and historic resources of the Mississippi River.

The House of Representatives has recently passed almost identical legislation, H.R. 2174, which is also before the Subcommittee. I look forward to the expeditious consideration of the Mississippi River Corridor Study Commission Act by this Committee and the Senate.

Senator AKAKA. I am especially pleased that S. 2669 has been placed on today's hearing schedule. Section 2 of the bill would amend the 1980 act which established the Kalaupapa National Historic Site. Under the bill before us, the limit on the amount of Federal funds that could be expended for improvements to the park would be raised from $1 million to $4,190,000. This increase is necessary to carry out badly needed improvements to the water supply system.

When I first came to Congress, I initiated legislation which resulted in the establishment of the Kalaupapa National Historic Site. Many people were convinced, as I was, that the Kalaupapa settlement on Molokai was a unique resource of unparalleled scenic beauty and historic significance. So it was fitting that it be designated by Congress as a National Historic Site.

It was in 1982, during my first term as a member of the House Appropriations Committee, that I discovered some urgent problems at Kalaupapa which needed to be addressed. The highest priority in 1982 was making improvements in the water supply system so that the residents, visitors and staff at Kalaupapa had a safe and reliable source of water. At the time, pipes feeding water from the reservoir into the community were actually located above ground and exposed to the elements.

Each year during the rainy season this water main was bombarded by rocks and debris that tumbled down from the cliffs during the frequent rainstorms. At times the water supply was completely cut off by falling debris. At other times, when the water main was damaged, water became contaminated by ground water run off and failed to meet water quality standards under the Safe Drinking Water Act.

As you can see, Kalaupapa has a history of problems with its water supply. In 1982 we undertook a quick fix so that Kalaupapa would not have to rely upon substandard water.

Today we are proposing to give Kalaupapa a completely new water system. This system will meet all modern standards and assure the Kalaupapa residents a supply of water that is not only safe but also will have adequate pressure and distribution for fire fighting in that isolated community.

As a footnote, I will also tell the Subcommittee that when I learned that Kalaupapa had no fire fighting equipment, my staff and I managed to locate a second-hand fire engine which a mainland fire company was about to discard. We were able to have it shipped to Kalaupapa free of charge, and it stands guard at Kalaupapa to this day.

Kalaupapa's well-being is something that always has been near and dear to my heart.

I would like to remind each of the witnesses today that your entire written statement will be included in the hearing record. Accordingly, I ask you to summarize your testimony and please limit your remarks to no more than 5 minutes.

At this time I will place copies of all the bills in the hearing record. The record will remain open for two weeks to receive additional comments and testimony.

[The texts of the bills follow:]

101st CONGRESS
2d Session

S. 2464

To establish the Red Rock Canyon National Conservation Area.

IN THE SENATE OF THE UNITED STATES

April 19 (legislative day, April 18), 1990

Mr. Reid (for himself and Mr. Bryan) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Red Rock Canyon National Conservation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA

SEC. 101. ESTABLISHMENT OF CONSERVATION AREA.

(a) In General.—(1) In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the area in southern Nevada containing and surrounding the Red Rock Canyon and the unique and nationally important geologic, archeological, ecological, cultural, scenic, scientific, and recreation resources of the public lands therein contained, there is established the Red Rock

Canyon National Conservation Area (referred to as the "conservation area").

(2) The conservation area shall consist of approximately 62,000 acres of federally-owned land, water, and interests as generally depicted on a map entitled "Red Rock Canyon National Conservation Area—Proposed" numbered NV–RRC–______, ______–______ and dated ____________, 19______.

(3) The map described in paragraph (2) shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management of the Department of the Interior.

(b) LEGAL DESCRIPTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall file a legal description of the conservation area established in subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographic errors in the legal description.

(2) The legal description described in paragraph (1) shall be on file and available for public inspection in the offices of

the Director of the Bureau of Land Management, Department of the Interior.

(c) DISCREPANCIES.—In the case of any discrepancy between or among the map described in subsection (a), the amount of acreage stated in subsection (a), or the legal description filed by the Secretary pursuant to subsection (b), the map described in subsection (a) shall control any question concerning the boundaries of the conservation area.

SEC. 102. MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to conserve, protect, and enhance the resources specified in section 101 in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other laws, including those relating to management of wild free-roaming horses and burros on public lands.

(b) HUNTING.—(1) Subject to paragraph (2), the Secretary shall permit hunting within the conservation area in accordance with the laws of the United States and the State of Nevada.

(2) The Secretary, after consultation with the Nevada Department of Wildlife, may issue regulations designating zones where and establishing when hunting shall not be per-

mitted for reasons of public safety, administration, or public use and enjoyment.

(c) PROHIBITION OF COLLECTION OF WOOD.—Collection of green or dead wood for sale or other commercial purposes shall not be permitted in the conservation area.

(d) PREVENTIVE MEASURES.—Nothing in this Act shall preclude such measures as the Secretary deems necessary to prevent devastating fire or infestation of insects or disease.

TITLE II—GENERAL PROVISIONS

SEC. 201. MANAGEMENT PLANS.

(a) IN GENERAL.—(1) Within 3 full fiscal years following the fiscal year in which the date of enactment of this Act occurs, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a general management plans for the conservation area and recreation area which shall describe the appropriate uses and development of the conservation area consistent with the purposes of this Act.

(2) The management plan described in paragraph (1) shall be developed with full public participation and shall include—

(A) an implementation plan for a continuing program of interpretation and public education about the resources and values of the conservation area;

(B) a proposal for public facilities to be developed, expanded, or improved for the conservation area including the Red Rock Canyon visitors center, to accommodate visitors to southern Nevada;

(C) natural and cultural resources management plans for the conservation area, with emphasis on the preservation and long-term scientific use of archeological resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the conservation area;

(D) a wildlife resource management plan for the conservation area prepared in consultation with appropriate departments of the State of Nevada and using previous studies of the area;

(E) a recreation management plan for the conservation area in consultation with appropriate departments of the State of Nevada; and

(F) a wild horse and burro herd management plan for the conservation area prepared in consultation with appropriate departments of the State of Nevada.

(3) The natural and cultural resources management plans described in paragraph (2)(C) shall be prepared in consultation with the Advisory Council on Historic Preservation

and the Nevada State Historic Preservation Office, and such plans shall provide for long-term scientific use of archaeological resources in the conservation area.

(b) WILDERNESS STUDY AREAS.—(1) The general management plan for the conservation area shall review and recommend the suitability or nonsuitability for preservation as wilderness of the lands comprising 46,500 acres, identified as "Wilderness Study Areas" on the map described in section 101.

(2) Pending submission of a recommendation and until otherwise directed by Act of Congress, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands within the wilderness study areas referred to in paragraph (1) so as to maintain their potential for inclusion within the National Wilderness Preservation System.

SEC. 202. ACQUISITIONS.

(a) IN GENERAL.—Within the conservation area, the Secretary may within the boundaries of his or her jurisdiction, and outside those boundaries when required for the construction or improvement of access roads thereto, acquire lands, waters, and interests in lands and waters (including scenic easements), as the Secretary considers to be in the public interest to carry out this Act by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) exchange; or

(4) transfer from another Federal agency with the concurrence of the head thereof.

(b) TERMS OF ACQUISITION.—(1)(A) Subject to subparagraph (B), all exchanges pursuant to subsection (a) shall be made in a manner consistent with law and on the basis of equal value, and either party to an exchange may pay or accept cash in order to equalize the value of the property exchange.

(B) If the parties agree to an exchange and the Secretary determines that it is in the public interest, the exchange may be made for other than equal value.

(2) Lands, waters, or interests therein owned by the State of Nevada or a political subdivision thereof may be acquired by donation or exchange only.

(3) Federally-owned lands, waters, or interests therein located within the conservation area may be transferred out of Federal ownership only in connection with an exchange for lands, waters, or interests therein owned by the State of Nevada or a political subdivision thereof.

(c) INCORPORATION OF ACQUIRED LANDS.—Any lands, waters, or interests therein within the boundaries of the conservation area which after the date of enactment of this Act may be acquired by the United States shall be incorporated into the conservation area and managed accordingly, and all provisions of this Act and other laws applicable to conservation areas shall apply to such incorporated lands.

SEC. 203. WITHDRAWAL.

Except as authorized in this Act, and subject to valid and existing rights, all Federal lands within the conservation area and all lands and interests therein which are acquired by the United States after the date of enactment of this Act are withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation under the mineral leasing and geothermal leasing laws.

SEC. 204. COOPERATIVE AGREEMENTS.

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in southern Nevada, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State, and local agencies and nonprofit entities providing for the management and interpretation of natural and cultural resources in southern Nevada.

SEC. 205. COORDINATED MANAGEMENT.

The Secretaries shall coordinate their management of the conservation area with surrounding State and Federal lands in such a manner as best to meet the present and future needs of the American people.

SEC. 206. WATER RIGHTS.

(a) RESERVATION OF RIGHTS.—(1) Congress expressly reserves to the United States the amount of water reasonably required to carry out the purposes for which the conservation area is established under this Act.

(2) The priority date of the rights reserved in paragraph (1) shall be the date of enactment of this Act.

(b) EXISTING RIGHTS.—Nothing in this section shall affect any existing valid or vested water right or application for water rights pending as of the date of enactment of this Act that are subsequently granted.

(c) FUTURE RIGHTS.—Nothing in this section shall be construed as establishing a precedent with regard to any future reservation of water rights, nor shall it affect the interpretation of any other Act or any reservation of water rights.

SEC. 207. DEFINITIONS.

For the purposes of this Act—

(1) the term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the proposes of this Act.

101st CONGRESS
2d Session

S. 2475

To provide for the acquisition of the William Johnson House and its addition to the Natchez National Historical Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

April 19 (legislative day, April 18), 1990

Mr. Lott (for himself and Mr. Cochran) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To provide for the acquisition of the William Johnson House and its addition to the Natchez National Historical Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF WILLIAM JOHNSON HOUSE.

(a) Inclusion Within Natchez National Historical Park.—Section 2(b) of the Act entitled "An Act to create a national park at Natchez, Mississippi", approved October 7, 1987 (16 U.S.C. 410oo–1(b)), is amended by inserting after paragraph (2) the following new paragraph:

"(3) The lands and structures known as the William Johnson House, together with all personal property located on such lands, and the building adjacent thereto which bears a common wall.".

(b) ACQUISITION AUTHORITY.—Section 3 of such Act (16 U.S.C. 410oo-2) is amended—

(1) by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(2) by adding at the end the following: "The Secretary may not acquire the property referred to in paragraph (3) of section 2 except by donation.".

101st CONGRESS
2d Session

S. 2555

To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

MAY 1 (legislative day, APRIL 18), 1990

Mr. CRANSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER.

(A) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) Merced, California.—The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to a point of maximum control storage of Lake

McClure (elevation 867 feet mean sea level) approximately 8 miles. The Secretary of Interior shall administer the Lower Merced River as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of Mountain King Mine; and as wild, from a point 300 feet west of the boundary of Mountain King Mine to the maximum flood control storage of Lake McClure, as generally depicted on the map entitled Merced Wild and Scenic River, dated April 1990. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District, Bureau of Land Management. For the purposes of the segments designated by this paragraph, there shall be authorized the appropriate sums as may be necessary for the acquisition of lands, interest in lands and for development.".

SEC. 2. WITHDRAWAL FROM MINERAL ENTRY.

(a) In addition to the wild river segments covered by section 9(a)(iii) of this Act, the recreational river segments on the main stem of the Merced River and the scenic river segment on the South Fork Merced River are withdrawn, subject to valid existing rights, from settlement, location, entry and appropriation under the public land laws, including the mining laws. This withdrawal includes: (1) on the main stem of the Merced River from the west boundary of the Mineral King Mine, from the normal high water mark on the south side of the river to the northern margin of the Yosemite Railroad grade on the north side of the river, a distance of 22 miles, and (2) on the South Fork Merced River between normal high water marks on either side of the river, from 1.5 miles upstream of Hite Cove to 0.5 downstream of Hite Cove, a distance of 2 miles.

SEC. 3. SAXON CREEK PROJECT.

(a) To the extent and in a manner consistent with the purposes of this Act, including section 7, the Secretary of Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the "Saxon Creek Project" to assure an adequate supply of water from the Merced River to Mariposa County.

101st CONGRESS
2d Session

S. 2612

To establish a Commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor.

IN THE SENATE OF THE UNITED STATES

May 11 (legislative day, April 18), 1990

Mr. Breaux (for himself, Mr. Durenberger, Mr. Simon, Mr. Bond, Mr. Boschwitz, Mr. Bumpers, Mr. Cochran, Mr. Danforth, Mr. Dixon, Mr. Ford, Mr. Gore, Mr. Grassley, Mr. Harkin, Mr. Johnston, Mr. Kasten, Mr. Kohl, Mr. Lott, Mr. McConnell, Mr. Pryor, and Mr. Sasser) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish a Commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi River Corridor Study Commission Act of 1990".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Mississippi River flows through ten States from its headwaters in the State of Minnesota to the Gulf of Mexico and comprises a ribbon of commerce, history and archeology, wildlife habitat, urban and rural communities, and open space containing historical, recreational, natural, scenic, cultural, economic, and scientific resources of major significance to the Nation.

(2) The national interest would be served by—

(A) preserving, protecting, and enhancing such resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in such corridor.

(3) The preservation, protection, and enhancement of such resources has not been fully realized despite efforts by the States through which the Mississippi River flows, political subdivisions of such States, and volunteer associations and private businesses in such States.

(4) Most existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the Corridor's resources.

(5) The National Government should assist in coordinating preservation and interpretation activities of public and private entities with respect to the significant resources associated with the Mississippi River.

(6) The establishment of a commission as provided for by this Act will—

(A) focus attention on the unique and nationally significant resources of this region; and

(B) provide a means and a stimulus for coordinating the preservation, protection, enhancement, enjoyment, and utilization of the resources of this region.

(7) The establishment of such commission would provide a national entity to gather, assess, and disseminate information on the recreational, cultural, historic, natural, scenic, and economic opportunities in this region.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Mississippi River Corridor Study Commission.

(2) The terms "Mississippi River Corridor" and "Corridor" mean the area included by the Commission in a proposed Mississippi River National Heritage Corridor.

(3) The term "Mississippi River State" means any of the States of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, or Wisconsin.

SEC. 4. ESTABLISHMENT OF COMMISSION.

There is established a Commission to be known as the Mississippi River Corridor Study Commission.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall study and make recommendations regarding—

(1) the feasibility of creating a Mississippi River National Heritage Corridor for the Mississippi River Corridor; and

(2) the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor consistent with the purposes of this Act.

(b) INFORMATION, COLLECTION; CONSULTATION.—As part of the study conducted under subsection (a), the Commission shall—

(1) assess the preservation, protection, enhancement, enjoyment, and utilization potential of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(2) collect information dealing with ongoing activities, management plans, and opportunities regarding historic, economic, natural, recreational, scenic, cultural, and scientific resources in the Corridor;

(3) make such information available to Federal agencies, States and political subdivisions thereof, tribal governments, educational institutions, volunteer associations, and private businesses to assist such entities in undertaking activities to preserve, protect, enhance, or utilize the historic, economic, natural, recreational, scenic, cultural, or scientific resources of the Corridor;

(4)(A) consult with the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission; and

(B) cooperate with such commission and associations in the performance of their duties;

(5) provide a forum for the consideration of resource issues relating to the Corridor;

(6) seek and encourage the participation of affected State and local governments, interested citizens, public officials, groups, agencies, educational institutions, and others in the preservation, protection, en-

hancement, enjoyment, and utilization of the Corridor's resources;

(7) recommend methods and means for educating the general population about the national importance and value of the Mississippi River as natural resource and national treasure; and

(8) make the Commission accessible to such groups, agencies, and citizens by holding at least one well publicized public hearing in every State within the Corridor.

(c) REPORT.—The Commission shall prepare a report—

(1) specifying the results of the study conducted under subsection (a); and

(2) containing—

(A) a description of the Mississippi River Corridor and the proposed boundaries of a Mississippi River National Heritage Corridor (if so recommended) showing the primary corridor and such secondary zones as may be apppropriate;

(B) an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(C) specific preservation and interpretation goals and a priority timetable for their achievement;

(D) propose alternative management strategies whereby the funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

(E) proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act, in whole or in part;

(F) proposals to improve guidance and assistance provided Mississippi River States and political subdivisions thereof and other entities regarding their compliance with applicable provisions of the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and related laws; and

(G) such recommendations as the Commission may deem appropriate with respect to subparagraphs (A) through (F) and with respect to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

SEC. 6. ORGANIZATION OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of fifteen members as follows:

(1) The Director of the National Park Service (or designee).

(2) The Secretary of Transportation (or designee).

(3) The Secretary of Commerce (or designee).

(4) The Director of the United States Fish and Wildlife Service (or designee).

(5) The Chief of Engineers of the Army Corps of Engineers (or designee).

(6) One member from each Mississippi River State appointed by the Governor of such State from among the members of the Mississippi River Parkway Commission from such State.

(b) FIRST APPOINTMENTS.—Members of the Commission required by subsection (a) to be appointed shall be first appointed not later than forty-five days after the effective date of this Act.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment is made.

(d) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(e) PAY.—Members of the Commission shall serve without pay.

(f) REIMBURSEMENT OF EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(g) QUORUM.—(1) Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) A member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(h) CHAIRPERSON.—As the first item of business at the first meeting of the Commission, the members of the Commission shall elect a chairperson of the Commission from among the members appointed under subsection (a)(6).

(i) MEETINGS.—(1) The Commission shall meet at the call of the chairperson or a majority of the members.

(2) Not later than thirty days after the members of the Commission are first appointed, the Commission shall hold its first meeting.

(3) The Director of the National Park Service shall select the date of the first meeting and shall serve as chairperson until the election of the chairperson under (h).

SEC. 7. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS' PERSONNEL OF FEDERAL AGENCIES.

(a) STAFF.—The Commission may appoint and fix the pay of such staff as the Commission considers appropriate subject to—

(1) the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) PERSONNEL OF STATES AND POLITICAL SUBDIVISIONS.—The Commission may—

(1) accept the services of personnel detailed from a Mississippi River State or a political subdivision thereof; and

101st CONGRESS
2d Session

H. R. 2174

IN THE SENATE OF THE UNITED STATES

June 14 (legislative day, June 11), 1990

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the establishment of the Mississippi River Corridor Study Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi River Corridor Study Commission Act of 1989".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Mississippi River flows through 10 States from its headwaters in the State of Minnesota to the Gulf of Mexico and comprises a ribbon of commerce, history, archeology, wildlife habitat, urban and rural communities, and open space containing historical, recreational, natural, scenic, cultural, economic, and scientific resources of major significance to the Nation.

(2) The national interest would be served by—

(A) preserving, protecting, and enhancing such resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in such corridor.

(3) The preservation, protection, and enhancement of such resources has not been fully realized despite efforts by the States through which the Mississippi River flows, political subdivisions of such States, and volunteer associations and private businesses in such States.

(4) Most existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the Corridor's resources.

(5) The national Government should assist in coordinating preservation and interpretation activities of public and private entities with respect to the significant resources associated with the Mississippi River.

(6) The establishment of a commission as provided for by this Act will—

(A) focus attention on the unique and nationally significant resources of this region; and

(B) provide a means and a stimulus for coordinating the preservation, protection, enhancement, enjoyment, and utilization of the resources of this region.

(7) The establishment of such commission would provide a national entity to gather, assess, and disseminate information on the recreational, cultural, historic, natural, scenic, and economic opportunities in this region.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Mississippi River Corridor Study Commission.

(2) The terms "Mississippi River Corridor" and "Corridor" mean the area included by the Commission in a proposed Mississippi River National Heritage Corridor.

(3) The term "Mississippi River State" means any of the States of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, or Wisconsin.

SEC. 4. ESTABLISHMENT OF COMMISSION.

There is established a Commission to be known as the Mississippi River Corridor Study Commission.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall study and make recommendations regarding—

(1) the feasibility of creating a Mississippi River National Heritage Corridor for the Mississippi River Corridor; and

(2) the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor consistent with the purposes of this Act.

(b) INFORMATION COLLECTION; CONSULTATION.—As part of the study conducted under subsection (a), the Commission shall—

(1) assess the preservation, protection, enhancement, enjoyment, and utilization potential of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(2) collect information dealing with ongoing activities, management plans, and opportunities regarding historic, economic, natural, recreational, scenic, cultural, and scientific resources in the Corridor;

(3) make such information available to Federal agencies, States and political subdivisions thereof, tribal governments, educational institutions, volunteer associations, and private businesses to assist such entities in undertaking activities to preserve, protect, enhance, or utilize the historic, economic, natural, recreational, scenic, cultural, or scientific resources of the Corridor;

(4)(A) consult with the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission; and

(B) cooperate with such commissions and associations in the performance of their duties;

(5) provide a forum for the consideration of resource issues relating to the Corridor;

(6) seek and encourage the participation of affected State and local governments, interested citizens, public officials, groups, agencies, educational institutions, and others in the preservation, protection, en-

hancement, enjoyment, and utilization of the Corridor's resources.

(7) recommend methods and means for educating the general population about the national importance and value of the Mississippi River as a natural resources and national treasure; and

(8) make the Commission accessible to such groups, agencies, and citizens by holding at least one well publicized public hearing in every State within the Corridor.

(c) REPORT.—The Commission shall prepare a report—

(1) specifying the results of the study conducted under subsection (a); and

(2) containing—

(A) a description of the Mississippi River Corridor and the proposed boundaries of a Mississippi River National Heritage Corridor (if so recommended) showing the primary corridor and such secondary zones as may be appropriate;

(B) an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(C) specific preservation and interpretation goals and a priority timetable for their achievement;

(D) proposed alternative management strategies whereby the funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

(E) proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act, in whole or in part;

(F) proposals to improve guidance and assistance provided to Mississippi River States and political subdivisions thereof and other entities regarding their compliance with applicable provisions of the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and related laws; and

(G) such recommendations as the Commission may deem appropriate with respect to subparagraphs (A) through (F) and with respect to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

SEC. 6. ORGANIZATION OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(1) The Director of the National Park Service (or designee).

(2) The Secretary of Transportation (or designee).

(3) The Secretary of Commerce (or designee).

(4) The Director of the United States Fish and Wildlife Service (or designee).

(5) The Chief of Engineers of the Army Corps of Engineers (or designee).

(6) One member from each Mississippi River State appointed by the Governor of such State from among the members of the Mississippi River Parkway Commission from such State.

(b) FIRST APPOINTMENTS.—Members of the Commission required by subsection (a) to be appointed shall be first appointed not later than 45 days after the effective date of this Act.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the orginal appointment is made.

(d) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(e) PAY.—Members of the Commission shall serve without pay.

(f) REIMBURSEMENT OF EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(g) QUORUM.—(1) Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) A member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(h) CHAIRPERSON.—As the first item of business at the first meeting of the Commission, the members of the Commission shall elect a chairperson of the Commission from among the members appointed under subsection (a)(6).

(i) MEETINGS.—(1) The Commission shall meet at the call of the chairperson or a majority of the members.

(2) Not later than 30 days after the members of the Commission are first appointed, the Commission shall hold its first meeting.

(3) The Director of the National Park Service shall select the date of the first meeting and shall serve as chair-

person until the election of the chairperson under subsection (h).

SEC. 7. STAFF OR COMMISSION; EXPERTS AND CONSULTANTS; PERSONNEL OF FEDERAL AGENCIES.

(a) STAFF.—The Commission may appoint and fix the pay of such staff as the Commission considers appropriate subject to—

(1) the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) PERSONNEL OF STATES AND POLITICAL SUBDIVISIONS.—The Commission may—

(1) accept the services of personnel detailed from a Mississippi River State or a political subdivision thereof; and

(2) reimburse such State or such subdivision for such services.

(d) PERSONNEL OF FEDERAL AGENCIES.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 8. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—For the purpose of carrying out this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 9. SUBMISSION OF REPORTS.

(a) INTERIM REPORT.—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State a report describing the progress of the Commission in carrying out the duties of the Commission under section 5.

(b) FINAL REPORT.—Not later than 3 years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State the report required by section 5(c).

SEC. 10. TERMINATION OF COMMISSION.

Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall cease to exist 90 days after submitting the report required by section 5(c) and submitted under section 9(b).

SEC. 11. CONSENT TO NEGOTIATE PROPOSED COMPACTS.

The Congress hereby consents to the negotiation by any State referred to in section 3 with one or more of any other such State of proposed interstate agreements or compacts among such States in furtherance of the purposes of this Act or the study referred to in section 5 or any material component thereof.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission to carry out this Act $500,000 for each fiscal year in which the Commission is in existence.

Passed the House of Representatives June 12, 1990.

Attest: DONNALD K: ANDERSON,
Clerk.

101st CONGRESS
2d Session

S. 2669

To provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 22 (legislative day, April 18), 1990

Mr. Johnston (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION CEILING INCREASES.

The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

(a) Channel Islands National Park, California: section 208 of the Act of March 15, 1980 (94 Stat. 77), is amended by striking out "$30,100,000" and inserting in lieu thereof "$48,940,000";

(b) Chesapeake and Ohio Canal National Historical Park, Maryland and District of Columbia: section 8(b) of the Act of January 8, 1971 (84 Stat. 1980), is amended by striking out "$28,400,000" and inserting in lieu thereof "$34,740,266"; and

(c) Cumberland Island National Seashore, Georgia: section 10 of the Act of October 23, 1972 (86 Stat. 1068), is amended by striking out "$28,500,000" and inserting in lieu thereof "$36,079,500".

SEC. 2. DEVELOPMENT CEILING INCREASES.

The limitations on appropriations for development of units of the National Park System contained in the following Acts are amended as follows:

(a) Cuyahoga Valley National Recreation Area, Ohio: section 6(b) of the Act of December 27, 1974 (88 Stat. 1788), is amended by striking out "$13,000,000" and inserting in lieu thereof "$22,223,000"; and

(b) Kalaupapa National Historical Park, Hawaii: section 110 of the Act of December 22, 1980 (94 Stat. 3324), is amended by striking out "$1,000,000" and inserting in lieu thereof "4,190,000".

Senator **Akaka**. I am glad to welcome our witnesses, our distinguished colleagues.

And the first colleague here to be recognized is the Honorable Harry Reid.

STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Senator **Reid**. Thank you, Mr. Chairman.

This bill is extremely important to the State of Nevada and to the country, that is S. 2464.

Red Rock Canyon, as you can see from the pictures that are before the Committee today, is a beautiful place. It is truly one of America's great treasures. We consider it like the Everglades of Florida, the bayous of Louisiana and the Redwoods of California. Protecting these national treasures should be a top priority because their loss would diminish us as a people and as a country.

Two months ago Nevada joined the rest of the country in celebrating the 20th anniversary of Earth Day. In keeping with that spirit, we introduced the Red Rock Canyon bill in the week preceding Earth Day. Hundreds of Nevadans gathered at Red Rock that following weekend to volunteer their time to help clean up this majestic resource and place of beauty.

Our celebration of Red Rock was echoed throughout the country with thousands of parades, public events, ceremonies, speeches and commitments to protect the environment in the coming years.

Well, the celebrations are over, the cameras have turned to other topics and now the real work, the challenge of keeping our promises, is before us. For this reason, I seek the Subcommittee's support and expeditious action on S. 2464.

Nevada is the fastest growing state in the Nation. This phenomenal growth is most evident in Las Vegas, where from 4,000 to 5,000 people each month move to this part of our state. Red Rock Canyon lies just a few miles west of Las Vegas.

Visitor use to the Red Rock Canyon area has increased dramatically over the past decade. For example, the number of people who stopped by the visitors' center every year increased by 238 percent between 1983 and 1989. Every year now almost a half million visitors drive around the Red Rock's 13 Mile Scenic Loop Drive.

With these hundreds of thousands of people there has also come the expected wear and tear as well as vandalism and destructive negligence. These changes threaten petroglyphs and other cultural resources which are thousands of years old.

Red Rock Canyon, like Nevada itself, is rapidly changing. This legislation will help us manage these changes in a way that preserves our heritage. The legislation of Senator Bryan and me focus on protecting Red Rock Canyon for the public's enjoyment and education.

This bill would accomplish this goal by conserving and enhancing the geologic, archaeological, ecological, cultural, scenic, scientific and recreational resources of the public lands contained within Red Rock Canyon.

Mr. Chairman, I mentioned the importance of preserving the educational opportunities of Red Rock Canyon. I say this because Red Rock is not only a thing of stunning beauty, but it is also an outside classroom providing the rare opportunity to learn more about our ancient past and the forces that have shaped the natural world.

It provides us with 600 million years of natural history to explore. As described in the popular book on Red Rock Canyon, published by Mr. K.C. DenDooven, Red Rock Canyon is a place of "both dramatic vistas and detailed close-up views where the space and openness of the desert give the visitor an opportunity to blend with nature, to see its history revealed in rocks, plants and animals. Forged under a sea then buried beneath sand dunes, it is now a desert sculpted by the continuing forces of water and wind."

Grade school students from Las Vegas as well as geology professors from throughout the world marvel at the Keystone Thrust Fault, the red and white fossilized sandstone bluffs, and the other outstanding examples of natural history at Red Rock Canyon. The curious visitor often joins with the professional researcher in exploring prehistoric campsites and ancient rock art, which are designated a National Register Historic Site in Brownstone Canyon.

Red Rock Canyon and all its wonders are managed by the Interior Department's Bureau of Land Management under the auspices of the Federal Land Policy and Management Act of 1976, known as FLPMA. But, Mr. Chairman, make no mistake about it, Red Rock Canyon is the crown jewel of public lands administered by the Bureau of Land Management in Nevada, perhaps in the United States. We believe so. Indeed, we believe, and I stress, it is the number one resource of the entire 174 million acres of public lands managed by BLM throughout the West.

In addition to protecting Red Rock Canyon for future generations, our bill also proposes, subject to valid and existing rights, the withdrawal of the conservation area from all forms of appropriation, entry or disposal under the public land laws; from location, entry and patent under the mining laws; and from operation under the mineral leasing and geothermal laws.

The establishment of a National Conservation Area at Red Rock will increase the funding priority given the area by the BLM and will help increase vital services to the public.

Please let the record show that the water rights language contained within Section 206 of the bill is supported by the State of Nevada. I submit and ask the Chairman's permission to submit a letter for the record from this date Nevada Water Engineer, Michael Turnipseed, in support of the bill and the water language contained therein.

I would also, Mr. Chairman, ask permission to insert two newspaper editorials supporting the new status for Red Rock, one from the Las Vegas Sun and one from the Las Vegas Review Journal.

I also ask, Mr. Chairman, that at your leisure you have an opportunity to look at the visual aids that we presented to the Subcommittee which shows in graphic detail the beauty of the area, and it also shows in graphic form the areas that we want to enlarge and enhance by this act.

I also ask permission of the Chairman and extend apologies to my colleagues here at the table. I am due to testify before Senator DeConcini and the Judiciary Committee at 2:00 and would ask to be excused unless the Subcommittee has questions.

[The prepared statement of Senator Reid and the additional materials referred to follow:]

PREPARED STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Mr. Chairman, thank you for the opportunity to address the Public Lands, National Parks, and Forests Subcommittee on S. 2464, a bill to establish the Red Rock Canyon National Conservation Area.

I would also like to thank the subcommittee for accommodating me in scheduling a hearing in an already crowded hearing schedule. This bill is exceedingly important to me personally.

I appreciate the efforts, past and present, of the Chairman, the Subcommittee members, and the Subcommittee staff in facilitating expeditious action on this bill.

Mr. Chairman, two months ago we celebrated the 20th anniversary of Earth Day. All across this country, in small towns and large cities, there were parades and public events, ceremonies and speeches, and commitments to "do better" this time around, to not lose sight of our crucial mission of conserving the Earth's precious environment.

Well, the sounds of celebration have long since faded; the cameras and press have gone elsewhere. Now the real work is upon us—the real work of living up to our promises and pledges.

The members of this body have a choice. We can demonstrate with vision and leadership that our call on April 22, 1990 for swift and decisive action to preserve our common environment was sincere and not idle rhetoric or we can be silent and let history and the citizenry draw their own conclusions.

The people of this great Nation have sent a message, loud and clear, to the members of this distinguished body to which we were elected.

Millions of Americans, from all geographic corners and all political persuasions, have let the leaders of this country know that it is imperative that measures be taken to conserve our precious environment and preserve our proud heritage.

It is, therefore, incumbent upon the Congress to pursue those measures which will lead to wise use of our natural resources, responsible management of our cultural resources, and judicious stewardship of all the intrinsic values found on the land and in the water for an improved quality of life. It is for this reason, Mr. Chairman, I seek the subcommittee's support of and expeditious action on S. 2464.

Mr. Chairman let me paint a picture of the local need. Nevada is the fastest growing State in the Nation. No place is this phenomenal growth more evident than in the city of Las Vegas where the population is increasing at a net rate of 4,000 people per month. Red Rock Canyon lies just 20 miles west of Las Vegas. The cultural and natural values present at Red Rock Canyon are vitally important to meeting the recreational needs of the rapidly growing populace of Las Vegas.

Visitor use to the Red Rock Canyon area has increased dramatically over the last decade. For example, visitation to the visitor's center from the period 1983 to 1989 increased 238 percent, while use of the scenic drive loop has climbed to almost one-half million visitors annually. Corresponding to this staggering increase in visitation is the predictable acceleration of adverse impacts to the extant natural values and irreversible acts of vandalism to petroglyphs and other cultural resources which are thousands of years old. Clearly, there is a need for the recreational resource in Red Rock Canyon and clearly there is a need to protect those cultural and natural values therein contained.

Red Rock Canyon is managed by the Interior Department's Bureau of Land Management under the auspices of the Federal Land Policy and Management Act of 1976 (FLPMA)—the agency's organic act.

While FLPMA does provide the Bureau with a clear multiple-use mandate, the values contained within Red Rock Canyon, as well as, the use and enjoyment thereof, are of sufficient uniqueness so as to require the special management direction provided by the bill before us today.

S. 2464 calls for conservation, protection, and enhancement of the geologic, archeological, ecological, cultural, scenic, scientific, and recreation resources of the public lands contained within Red Rock Canyon. It specifically focuses on the interpretation of these resources for the public's education and enjoyment. The bill also proposes, subject to valid and existing rights, the withdrawal of the conservation area from all forms of appropriation, entry, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation under the mineral leasing and geothermal laws. I anticipate that establishment of a National Conservation Area at Red Rock Canyon will raise the visibility of the area to one of

National recognition and will translate into increased funding priority by the Agency and increased service to the public.

Mr. Chairman, please let the record show that the water rights language contained within section 206 of the bill is supported by the State of Nevada. I would like to submit for the record a letter from the State of Nevada Water Engineer, R. Michael Turnipseed, in support of the bill and the water language therein contained.

Mr. Chairman, in considering this bill, we must realize that the time has come to protect these fragile treasures of nature. To protect these priceless values of the ages not only for our children but for their children. Red Rock Canyon is not only a thing of stunning beauty, but it is an outside classroom as well, providing us with the rare opportunity to learn more about our ancient past and the forces that have shaped the natural world. It provides us with 600 million years of natural history to explore.

Red Rock Canyon is the crown jewel of the public lands administered by the Bureau of Land Management (BLM) in Nevada; indeed, it is arguably the crown jewel of the entire 174 million acres of public land managed by BLM throughout the West. It possesses a cadre of values recognized by this distinguished body as worthy of protection by a National Conservation Area designation. The outstanding values found within Red Rock Canyon include scenic, recreational, geologic, biologic, and cultural resources.

As described in the popular book on Red Rock Canyon published by Mr.K.C. DenDooven, it offers the people of the Las Vegas Valley, and indeed all Americans . . . "both dramatic vistas and detailed closeup views, the space and openness of the desert give the visitor an opportunity to blend with nature, to see its history revealed in rocks, plants, and animals. Forged under a sea, then buried beneath sand dunes, it is now a desert sculpted by the continuing forces of water and wind." It's beauty is one of stark contrast and awesome magnitude. The keystone thrust fault, and the red and white fossilized sandstone bluffs, are of great interest to students of geology and visitors from all over the world as an outstanding example of this type of geomorphological phenomena. The desert riparian habitat, the unusual and diverse plant and animal life, which includes desert big horn sheep, and remnant Pleistocene flora, are but some of the plethora of natural values which visitors world wide come to view in Red Rock Canyon.

There is a National Register Historic Site in Brownstone Canyon and numerous rock art and prehistoric habitation sites, dating as far back as several thousand years, which are highly prized for their interpretive and research values.

Therefore Mr. Chairman in order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the area in southern Nevada containing and surrounding the Red Rock Canyon and the unique and nationally important geologic, archeological, ecological, cultural, scenic, scientific, and recreation resources of the public lands therein contained I urge the support of this subcommittee for this important piece of environmental legislation for establishing the Red Rock Canyon National Conservation Area.

I ask that two newspaper articles I have before me in support of S. 2464 be included in the record.

BOB MILLER
Governor

STATE OF NEVADA

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710
(702) 687-4380

June 22, 1990

The Honorable Harry Reid
United States Senate
334 Senate Hart Office Building
Washington, D.C. 20510

Dear Senator Reid:

Thank you for the opportunity to review Senate Bill 2464, proposing to establish the Red Rock Canyon National Conservation Area in southern Nevada. This office applauds your efforts to conserve, protect and enhance recreational opportunities for the growing urban population of Clark County.

With respect to Section 206, water rights, we have no objection to the wording contained therein, as long as the protection of existing water rights is specifically addressed.

Sincerely,

R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/bk

LAS VEGAS
REVIEW-JOURNAL
A Donrey Newspaper

May 13, 1990

New status for Red Rock

Red Rock Canyon has long been one of Southern Nevada's inside secrets: well-known to locals but not much visited by the typical tourist who seldom strays from the neon confines of the Strip or Glitter Gulch.

The canyon's wonders are many: the bubbling streams and deep pools that flourish even in high summer; the wild grape vines, barrel cactus, juniper trees and wildflowers; the burros, desert tortoises and other wildlife that inhabit the place; the fascinating petroglyphs; the soaring sandstone cliffs.

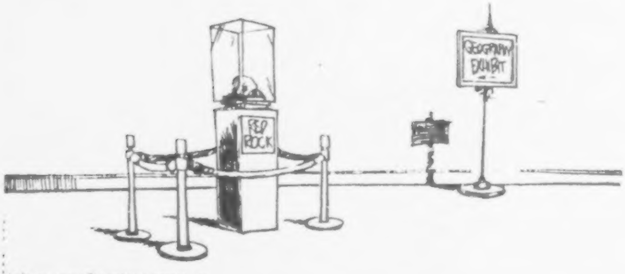
Red Rock Canyon Recreation Lands, a short drive from anywhere in the valley, is accessible to almost everyone, and therein lies part of the problem: The pressure of population growth in the valley has brought more visitors than ever to the canyon and strained the resources of the Bureau of Land Management to maintain the area.

Now, Nevada Sens. Harry Reid and Richard Bryan, as well as Rep. Jim Bilbray, have introduced legislation to upgrade Red Rock's status to national conservation area. If passed, the bill would not mean any significant changes in the kinds of activities the public may engage in on those public lands. But with the designation as a conservation area, more federal funding would be available to manage the lands: more money for the visitors' center, for maintaining recreation sites, campgrounds, hiking trails and lookout points and for the preservation of archaeological sites.

The conversion of Red Rock into a conservation area is a sound idea and we hope it wins favor in Congress.

Las Vegas Sun

May 9, 1990



ALL THAT WOULD BE LEFT OF AN UNPROTECTED RED ROCK RECREATION AREA

Congress should pass Red Rock Canyon bill

Red Rock Canyon is one of Nevada's most beautiful natural treasures. The colorful sandstone cliffs, the abundant desert plant life and the wild burros are popular attractions for recreation-minded Southern Nevadans.

But the Red Rock area's popularity also has its drawbacks. Public and private efforts must be undertaken regularly to keep the canyon clean of man's negative imprints.

Efforts to maintain Red Rock Canyon's natural beauty could be bolstered, however, if legislation introduced by three members of Nevada's congressional delegation is approved.

A bill co-sponsored by Nevada Sens. Harry Reid and Richard Bryan and Rep. James Bilbray that would enhance the Bureau of Land Management's ability to preserve Red Rock Canyon should receive the full support of individuals committed to protecting the environment.

The legislation would create a 62,000-acre Red Rock Canyon National Conservation Area and direct the BLM to "conserve, protect and enhance" the region's natural resources.

The bill would provide the BLM with about $200,000 more each year to manage the Red Rock area, which is roughly 20 miles west of Las Vegas. The additional funds would give federal officials the ability to expand their efforts to preserve Red Rock Canyon in its natural state formed beneath an inland sea more than 600 million years ago.

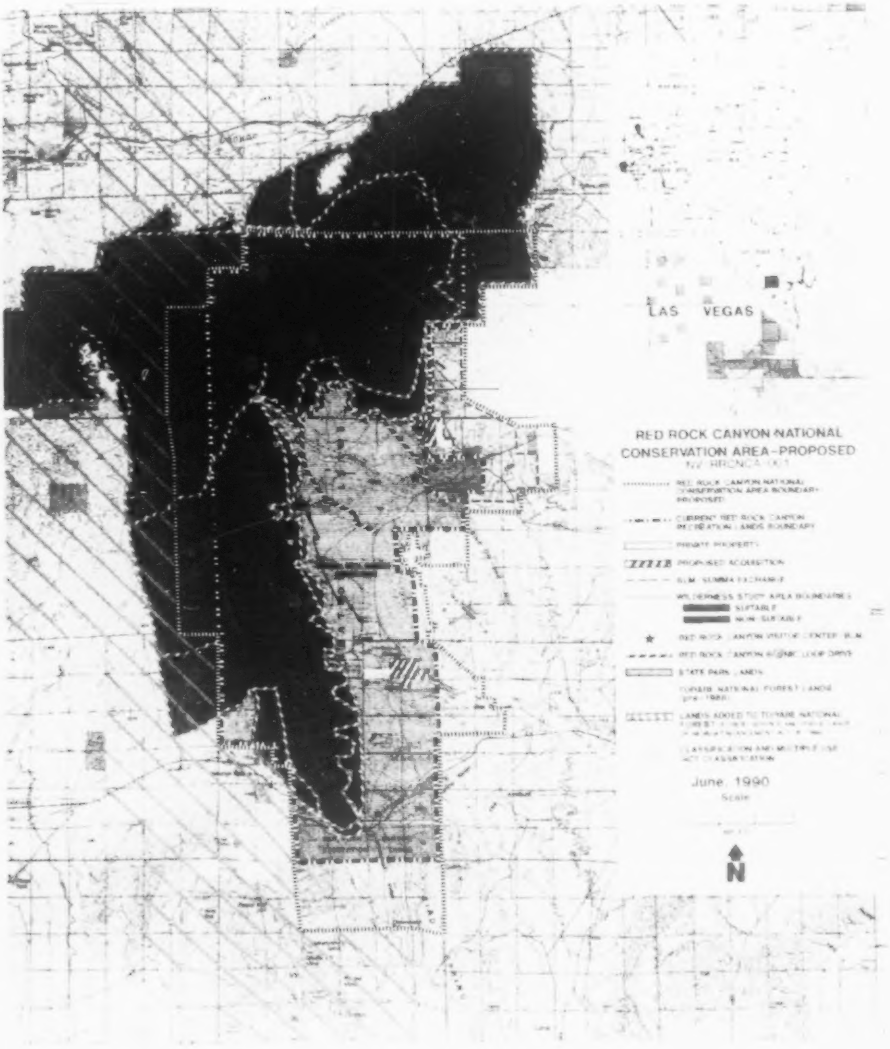
Red Rock Canyon is now listed as a recreation area. The proposed legislation would turn it into a "national conservation area." The designation is compelling because it makes the site eligible for more funds without limiting the public's access.

Officials say the bill is much more likely to pass if Nevada's entire congressional delegation lends its support. Rep. Barbara Vucanovich is the lone holdout at this point. Citizens who believe in preserving Red Rock Canyon should urge Vucanovich to join in supporting the bill.

It appears there is little that can be said in opposition to the Nevada delegation's bill. Therefore, it is hoped that Congress will move it through the various steps to final approval at a more rapid pace than the last Nevada wilderness bill, which designated 733,400 acres of Forest Service land as protected wilderness.

"It took over five years to pass a Nevada wilderness bill, but every second was worth it," Reid said recently. "Our victory sends a message to the entire country. Nevada is more than the bright lights and neon of Las Vegas and Reno."

Indeed it is.


LAS VEGAS
RED ROCK CANYON NATIONAL
CONSERVATION AREA–PROPOSED
NV RRCNCA 001
RED ROCK CANYON NATIONAL CONSERVATION AREA BOUNDARY PROPOSED
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PRIVATE PROPERTY
PROPOSED ACQUISITION
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WILDERNESS STUDY AREA BOUNDARIES
SUITABLE
NON-SUITABLE
RED ROCK CANYON VISITOR CENTER BLM
RED ROCK CANYON SCENIC LOOP DRIVE
STATE PARK LANDS
TOIYABE NATIONAL FOREST LANDS (pre-1988)
LANDS ADDED TO TOIYABE NATIONAL FOREST
CLASSIFICATION AND MULTIPLE USE ACT CLASSIFICATION
June, 1990
Scale
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Senator **Akaka**. Thank you very much, Senator, for your testimony. The pictures are beautiful. Thank you very much.

I would like to call on Senator Richard Bryan, since he is testifying on the same bill.

Will you do it at this time?

STATEMENT OF HON. RICHARD H. BRYAN, U.S. SENATOR FROM NEVADA

Senator **Bryan**. Thank you very much, Mr. Chairman.

I would like to associate myself with the testimony of and comments by my senior colleague, Senator Reid. I am delighted to be a co-sponsor on this legislation.

I appreciate the opportunity, Mr. Chairman, to be here before you today to offer my strong support for S. 2464, which would designate the unique national resource in my state as a national conservation area.

The creation of the Red Rock Canyon National Conservation Area is particularly significant and timely for a number of reasons. In 1967 the Secretary of the Interior administratively dedicated 62,000 acres of Red Rock Canyon as recreation lands. This marked the first formal acknowledgement of the unique character of this natural resource.

Two years later the State of Nevada and the Bureau of Land Management entered into a cooperative agreement for development and protection of the Red Rock Canyon resources. In 1982 the BLM opened the Red Rock Canyon Visitor Center providing rangers and interpreters to enhance the management and public use and access of this area.

This area has consistently stood as an example of a unique management and stewardship by the BLM for more than 20 years. Now, however, the great population growth of southern Nevada and our increasing appreciation of the unique diversity and fragile nature of this desert ecosystem compels the statutory designation of a National Conservation Area.

And I might add parenthetically, I camped there myself as a young man active in the Boy Scout movement when there were 25,000 or 30,000 people in southern Nevada. Today there are three-quarters of a million people in the metropolitan area, all within eyesight of this unique resource. And the population pressures are mounting, as Senator Reid indicated in his testimony.

Red Rock offers a spectacular combination of rock formations created millions of years ago, unique vegetation and a rare combination of wildlife. All of this, as I have indicated, is within a short distance of Las Vegas.

The Red Rock area is filled with geological and biological diversity. The spectacular geology is largely the result of a prehistoric sea which covered the area for millions of years. The sandstone bluffs are sprinkled with fossils of extinct shellfish, and its limestone beds are the tangible remains of sea creatures who lived and died here millions of years ago.

The mountain slopes, canyons and valley floor of the Red Rock area exhibit nearly all of the vegetative zones of the Mojave

Desert. This variety of vegetation supports complicated ecosystems and equally varied animal life.

Natural springs are abundant in the canyon floors and riparian zones, rare indeed in the desert, are plentiful as a result. Red Rock Canyon truly offers something for everyone. Camping, hiking and nature photography opportunities are plentiful. Biological and wildlife study opportunities contribute to our appreciation for the great diversity that can prosper in a sometimes seemingly hostile environment.

The Red Rock Canyon area, nearby Brownstone and Pine Creek Canyons, are home of the desert Big Horn sheep, Nevada's state animal and the largest of the desert mammals.

From its high desert escarpments to spring-fed oases, the area is truly deserving of the recognition and attentive management that the National Conservation Area designation can provide.

I strongly support this legislation, Mr. Chairman, and I urge your favorably action at an early time. I thank you very much for your courtesy.

And I also, have to excuse myself unless the Chairman has any questions.

[The prepared statement of Senator Bryan follows:]

PREPARED STATEMENT OF HON. RICHARD H. BRYAN, U.S. SENATOR FROM NEVADA

Mr. Chairman, I appreciate the opportunity to appear before you today to offer my strong support for S. 2464 which would designate a unique Nevada natural resource as a national conservation area.

This creation of the Red Rock Canyon National Conservation Area is particularly significant and appropriate at this time for a number of reasons.

In 1967, the Secretary of the Interior administratively dedicated 62,000 acres of Red Rock Canyon as recreation lands, the first formal acknowledgment of the unique character of this land.

Two years later, the State of Nevada and the BLM entered into a cooperative agreement for development and protection of the Red Rock resources. In 1982, the BLM opened the Red Rock Canyon visitor center providing rangers and interpreters to enhance the management and public use of the property.

This area has consistently stood as an example of unique management and stewardship by BLM for over 20 years.

Now, however, the great population growth of southern Nevada and our increasing appreciation of the unique diversity and fragile nature of this desert ecosystem compels the statutory designation of "National Conservation Area" for the Red Rock Canyon. A national and permanent designation of this kind is appropriate for a unique resource.

Red Rock offers a spectacular combination of rock formations created over millions of years, unique vegetation, and a rare combination of wildlife. All of this is within 25 miles of Las Vegas, a city whose rapid urbanization has made the recreational opportunities of nearby Red Rock Canyon even more valuable.

The Red Rock area is filled with geological and biological diversity. The spectacular geology is largely the result of the prehistoric sea which covered the area for millions of years.

The sandstone bluffs are sprinkled with fossils of extinct shell fish, and its limestone beds are the tangible remains of tiny sea creatures who lived and died million of years ago.

The mountain slopes, canyons, and valley floor of the Red Rock area exhibit nearly all vegetative zones of the Mojave Desert. This variety of vegetation supports complicated ecosystems and equally varied animal life. Natural springs are abundant in the canyon floors, and riparian zones, rare in the desert, are plentiful as a result.

Red Rock Canyon truly offers something for everyone. Camping, hiking, and nature photography opportunities are plentiful. Biological and wildlife study opportunities contribute to our appreciation for the great diversity that can prosper in a sometimes hostile environment. The Red Rock Canyon area and nearby Brownstone and Pine Creek Canyons, are home of the desert bighorn sheep, Nevada's State animal and the largest desert mammal.

From its high desert escarpments to spring fed oases', this area is truly deserving of the recognition and attentive management that the "National Conservation Area" designation can provide. I strongly support the legislation before you today, and I urge your favorable action upon it at an early opportunity.

Senator AKAKA. Thank you very much, Senator Bryan. We thank you for your testimony.

Now I would like to call on the Honorable Thad Cochran of Mississippi.

Senator?

STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Senator COCHRAN. Thank you very much, Mr. Chairman.

I am here today to testify in support of S. 2475, a bill Senator Lott and I have introduced to authorize the National Park Service to accept the donation of the William Johnson House in Natchez, Mississippi as part of the Natchez National Historical Park.

Although the legislation that established the Natchez National Historical Park authorized acquisition of properties illustrating black contributions in the antebellum South, no property is now located in the park that was owned by blacks. The William Johnson House was, and it is uniquely suited to interpret black history in the South.

This building was the residence and business of one of America's most notable southern freedmen. Born a slave in 1809 and freed at a young age, William Johnson became a prosperous merchant and planter in Natchez. His business abilities and high standards of conduct placed him at the top of Natchez's free black society, a position recognized by both the white and black population of the city.

During his life, William Johnson compiled a 2,000-page diary, one of the most valuable commentaries available on life in the antebellum South.

This legislation will not obligate the National Park Service to purchase the William Johnson House. State and local governments, with help from private citizens, will buy the property and donate it to the Park Service. Fund raising for the purchase has already begun. Plans call for restoration of the house and use of the downstairs for a comprehensive exhibit interpreting black history.

The experiences of black Americans in antebellum South are of growing interest to scholars. And adding the William Johnson House to the Natchez Historical Park will enable us to learn more about those experiences.

I hope the Committee will approve our request and report this bill to the Senate.

[The prepared statement of Senator Cochran follows:]

PREPARED STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Mr. Chairman, I am pleased to testify in favor of S. 2475, legislation to authorize the National Park Service to acquire the William Johnson House in Natchez, Mississippi, for inclusion in the Natchez National Historical Park. This bill is identical to legislation introduced by our colleague in the other body, Mr. Parker, on April 4, 1990.

Although the Natchez National Historical Park Act authorizes acquisition of properties illustrating black contributions in the antebellum South, no properties located in the park were owned by blacks. The William Johnson House was, and it is uniquely suited to interpret black history in the South.

The house was the residence and business of one of America's most notable Southern freedmen. Born a slave in 1809 and freed at a young age, William Johnson became a prosperous merchant and planter in Natchez. His business abilities and high standards of conduct placed him at the top of Natchez free black society, a position recognized by both the white and black population of the city. During his life, William Johnson compiled a 2,000-page diary, one of the most valuable commentaries available on life in the antebellum South.

This legislation will not obligate the National Park Service to purchase the William Johnson House. State and local governments, with help from the private sector, will acquire the property and donate it to the Park Service. The Mississippi Department of Archives and History has already begun raising funds for the purchase, and plans call for restoration of the house and use of the downstairs for a comprehensive exhibit interpreting black history.

The experiences of black Americans in the antebellum South are of growing interest to scholars. Acquisition of the William Johnson House will enlarge our understanding of those experiences.

I hope the Committee will approve this request and report the bill to the Senate.

Senator AKAKA. I thank the senator for your testimony.

And now I would like to call on the Honorable Trent Lott, Senator from Mississippi, a former colleague in the House and also a leader in the House.

STATEMENT OF HON. TRENT LOTT, U.S. SENATOR FROM MISSISSIPPI

Senator LOTT. Thank you, Mr. Chairman. It is good to see you again. I note that you are in a little different role than our conduct was over in the other body. But it is certainly good to see you. And I appreciate this opportunity to appear before you today.

I would like to ask at the beginning that the statement of Mr. Elbert Hilliard, who is the Director of the Mississippi Department of Archives and History, be included in the record.

Just for a point of information, I would note that the companion bill in the House did pass the House of Representatives yesterday. So we have got impetus behind this legislation. And we would like to ask your expeditious hearing and action by your Committee.

Senator AKAKA. We will certainly note that.

Senator LOTT. I am certainly pleased to join my colleague, Senator Thad Cochran, in co-sponsoring this legislation, S. 2475. I think it is of real significance to the National Park Service, but also to the new Natchez National Historical Park in Natchez, Mississippi.

I want to express my appreciation at the beginning to the Park Service for the support of this legislation and for the good work that they are doing on the new National Park at Natchez and on this particular house. Also, I want to thank Mr. Ridenour, who is here, for his cooperation and help of his capable staff in developing this proposal.

As an author of the original legislation that set up the Natchez National Historical Park, I can tell you it was our intent that this new park address a broad range of history in the area. The bill which we are discussing today will allow us to interpret one of those important themes: black history in the antebellum South.

The bill would expand the Natchez National Historical Park by allowing the inclusion of one of the most significant homes in our country's black history. S. 2475 would allow the Park Service to acquire this William Johnson House and the building with which it shares a common wall. Here the National Park Service would interpret the history of freed blacks and slaves, as called for in Public Law 100–875.

The two-story property was built perhaps by the most famous freed man in the antebellum South period. William Johnson was born a slave, was freed as a youth and went on to several successful business ventures. He was actually able to achieve wealth during his life. But he was most famous for his meticulous diary that he kept of society and events in Natchez during this significant time in American history.

Johnson wrote when Natchez's influence on regional and national politics, society and trade was at its peak. His extensive passages provide historians with a first-hand report of the role freed blacks played in Natchez's economy and their society. The report here agrees that nowhere in the National Park System is the African-American experience in the antebellum South interpreted better than Johnson's perspective.

So I certainly think is good legislation. I like the fact that it calls for donation of the properties. This is a case where non-Federal contributions in the form of capital improvements, dedicated taxes, planning and in-kind commitments have already neared $4.3 million. The donation of the property would actually cost $150,000, but that is being raised by the Mississippi Department of Archives and History and the City of Natchez, and the State government will be working to come up with those funds.

The general management plan and interpretive prospectus for the park will determine the cost of restoration and museum development, although preliminary estimates are in the range of $500,000. This will go toward the house itself, the out buildings and grounds, and development of approximately 9,000 square feet of museum space. So I think this is certainly a tremendous addition to the National Park System and certainly to the Natchez Park.

On another matter, Mr. Chairman, I would also like to express my appreciation to your Committee for holding a hearing on the merits of the Mississippi River Corridor Commission. I am a cosponsor of that legislation also. I think it has a lot of very positive attributes, and I hope you will move expeditiously on that also.

[The prepared statement of Senator Lott and additional material referred to follow:]

TESTIMONY OF SENATOR TRENT LOTT
BEFORE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

JUNE 26, 1990

Mr. Chairman and Members of the Committee, I am pleased to have this opportunity to come before you in support of a bill of great importance to the National Park Service and specifically to the Natchez National Historical Park in Natchez, Mississippi. Last month, I , along with the Senior Senator from Mississippi, Senator Cochran, introduced S. 2475, legislation which would provide for the acquistion of the William Johnson House for the Natchez Park. You will be hearing testimony from Senator Cochran shortly and also from Mr. James Ridenour, Director of the National Park Service. I am grateful for the National Park Service's support of this bill and want to thank Mr. Ridenour for his cooperation and the for help of his capable staff. Mr. Chairman, as you can see, we are all very excited about this proposal.

As the author of the original legislation which created the Natchez National Historical Park (P. L. 100-487), I can tell you that it was our intent that the national park in Natchez address the broad range of history in the area. The bill which we are discussing today will allow us to interpret one of these important themes: black history in the antebellum south. This bill would expand the Natchez National Historical Park by allowing the inclusion of one of the most significant homes in our country's black history. S. 2475 would allow the National Park Service to acquire the William Johnson House and the building with which it shares a common wall. Here, the NationalPark Service would interpret the history of free blacks and slaves, as called for in Public Law 100-487.

This two-story property was built by perhaps the most famous man of color in the antebellum south. William Johnson, born a slave, was freed as a youth and went on to several successful business ventures. William Johnson was considerably wealthy due to his successes; however, he is most famous for the meticulous diary which he kept of society and events in Natchez during this significant time in American history. Johnson wrote when Natchez' influence on regional and national politics, society and trade was at its peak. His extensive passages provide historians with a first hand report of the role free blacks played in Natchez economy and society. Johnson's diary , business journals and other personal papers are now housed at Louisiana State University and accessible to the National Park Service.

The National Park Service realized the importance of this property in its 1988 feasibility report on the Natchez National Historical Park. The report agrees that nowhere in the park service system is the African-American experience in the antebellum south interpreted from Johnson's perspective. As I stated before, the law establishing the Natchez National Historical Park includes an expressed commitment to the interpretation of the history of blacks, both free and slave. However, no property currently targeted for acquistion would be as forceful in addressing these issues as the William Johnson House.

The law creating the Natchez Park also discusses the cooperative efforts in the interpretation of the history of the city and region. I am proud of the efforts made at the state and local levels. I also am grateful for the important commitment made by the private sector toward the park. Non-federal contributions in the form of capital improvements, dedicated taxes, planning and in-kind commitments have neared $4.3 million. S. 2475 would continue this spirit of cooperation: my bill calls for the donation of the William Johnson House to the National Park Service. The $150,000 necessary to acquire the property is now being raised by the Mississippi Department of Archives and History. The City of Natchez also has funds which could be used to supplement this source, should this bill become law. Both the City of Natchez and Adams County are supportive of this cooperative approach, as evidenced by a joint resolution endorsing S.2475.

The General Management Plan and Interpretive Prospectus for the park will determine the costs of restoration and museum development. The preliminary estimates for restoration of the William Johnson House is about $500,000. This would go toward the house itself, the outbuildings and grounds, and development of approximately 9,000 square feet of museum space. This would entail restoration and furnishing of the second story to depict the living quarters of the Johnson family. The first floor would be kept as one large room for a broader interpretation of black history in Natchez.

The building sharing the common wall predates the William Johnson House. Park officials tell me that it could easily serve as the park's interim administrative headquarters. This plan is consistent with current park service preference for a continued administrative presence in historic downtown Natchez. Depending on space necessary, the second floor could be developed as offices and the first floor converted to additional interpretive space.

Mr. Chairman, on another matter, I would like to express my thanks to your committee for holding this hearing in which we will also be discussing the merits of conducting a study to establish a Mississippi River Corridor Commission. In closing, I would like to reiterate the importance of my bill, S. 2475, so that the Natchez National Historical Park can successfully carry out this important theme intended at the onset of its creation. Thank you.

STATEMENT BY ELBERT R. HILLIARD, DIRECTOR OF MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY, JACKSON, MISSISSIPPI, IN SUPPORT OF THE INCLUSION OF THE WILLIAM JOHNSON HOUSE IN THE NATCHEZ NATIONAL HISTORICAL PARK

Prepared for delivery to the U.S. Senate Committee on Interior, Subcommittee on National Parks and Public Lands.

MR. CHAIRMAN AND SUBCOMMITTEE MEMBERS:

I am Elbert R. Hilliard, Director of the Mississippi Department of Archives and History, and I serve as the State Historic Preservation Officer for Mississippi. Thank you for this opportunity to submit testimony for the inclusion of the William Johnson House in the Natchez National Historical Park.

The history of Natchez, Mississippi, is representative of many important phases of our nation's history. The Natchez Indians are important in interpreting our native American history, because this sun-worshipping and mound-building Indian nation achieved a level of civilization far beyond that of most other North American Indian tribes. Natchez has strong associations with the Age of Exploration, and, during our nation's Colonial Period, was governed successively by the French, the English, and the Spanish. The Revolutionary War was brought to British-ruled Natchez in 1778 by Captain James Willing, whose raid probably marked the first time that the American flag flew over the Mississippi Valley. In the mid-nineteenth century, Natchez was the richest principality in the kingdom of "King Cotton," and it also has historical associations with the Civil War, the Reconstruction Era, the Age of Segregation, and even the Civil Rights Movement.

Although representative of so many themes of American history, the history of Natchez illustrates certain themes better than others.

Primary among them is the theme of the cultural, economic, and social impact of "King Cotton" and its attendant institution, slavery.

If a single event can be said to have shaped the history of Natchez, Mississippi, and the nation, this event was the invention of the cotton gin in 1793. Second in importance among technological advances was the practical application of steam power to cotton gins and mills, riverboats, and saw mills. These advances, coupled with the demand for cotton by foreign and domestic mills, created a boom economy, and production of Southern cotton doubled every decade between 1800 and 1860.

Natchez was perfectly poised for the cotton boom, with a long established settlement on a high bluff overlooking the Mississippi River, a location on the borders of Mississippi and Louisiana, where land was available and unbelievably fertile, and a semi-tropical climate that provided a long growing season. The great flow of wealth created by "King Cotton" and its accompanying institution of slavery was no where more conspicuous than at Natchez.

With the creation of the Natchez National Historical Park and the subsequent recent purchase of the pre-Civil War mansion Melrose, the National Park Service will be able to interpret the history of "King Cotton" to our country´s citizens. The National Park Service will have the opportunity to speak to a significant aspect of the slavery issue at Melrose, which has retained its slave quarters and outbuildings. The contributions of former slaves in the post-Civil War South can also be acknowledged at Melrose, where former slaves stayed alone for many years to protect the house in the absence of owners who had died and whose only descendant was being reared in the North.

Public Law 100-479, which created the Natchez National Historical Park, identifies one of the purposes of the park as the preservation and interpretation of sites and structures associated with the peoples of Natchez, "including blacks both slave and free." Through circumstance of birth or benevolent ownership, some African Americans were free men in a slave society. No better place can be found to tell the story of both African slaves and freedmen than Natchez, a city that had one of the South's two busiest slave markets and that was home to almost one-half of Mississippi's entire free African-American population. One of these free blacks was Natchez barber William Johnson, whose published diary provides the most complete account of the life of a free black in the antebellum South.

Born a slave in 1809 in Natchez, William Johnson was freed in 1820 by his owner. He learned the trade of barbering, a popular trade among Southern free blacks, and soon became proprietor of his own barber shop. He used his trade to launch himself into other aspects of commercial enterprise, and, by the 1840's, had acquired substantial land holdings and established himself as a planter as well as an urban businessman.

William Johnson's business acumen and high standards of personal conduct placed him in a position at the top of Natchez free black society. Johnson was murdered in 1851, and, despite public outrage, the legal restrictions of race prevented the conviction of his murderer. Under Mississippi law, a black man, slave or free, could not testify in court against a white man, and the only witnesses to the crime were black. The defense of the murderer rested solely on proving himself to be white.

In 1951, on the hundredth anniversary of his death, Louisiana State University published the 2,000 page personal and business diary of William Johnson. The conduct of Johnson's life assured him a position at the top of his social class in Natchez, but his personal account of that life secured him an important place in American history. The diary documents the extraordinary rise of a black man from bondage to freedom and to an established position as a substantial citizen of Natchez. In addition to the diary, William Johnson and his descendants preserved, in the attic of their personal residence, a wealth of historically important papers, which have been catalogued by Louisiana State University. This important and unique collection spans the years 1793 to 1937 and includes legal and financial documents, personal and business letters, family papers of various types, sixty volumes of account books, bound and unbound issues of rare antebellum newspapers, and over four hundred pieces of nineteenth-century sheet music.

William Johnson's social and economic position in antebellum Natchez is tangibly reflected today by his surviving, two-and-a-half story, brick Greek Revival townhouse. Johnson's diary chronicles the construction of his 1841 residence, for which he himself served as contractor. William Johnson's descendants owned the house until 1976, when it was purchased by the Preservation Society of Ellicott Hill to insure its preservation. With assistance from the Mississippi Department of Archives and History and federal preservation grant moneys, the Preservation Society stabilized the house and restored the facade. The Preservation Society of Ellicott Hill undertook the acquisition and partial restoration of the William Johnson House with the hope that they would be serving as temporary caretakers until an organization with ties to the local African American community could acquire and develop the house as a museum property. However, the high cost of acquisition, restoration, and operation proved too daunting for a local organization, particularly an organization with many members representing a lower-income segment of an economically depressed community.

The William Johnson House deserves to be included in the Natchez National Historical Park. The Mississippi Department of Archives and History wants to assist the National Park Service in carrying out the mandate of the bill that created the park by raising the funds to purchase the William Johnson House, plus an adjoining historic building with a common wall, which would then be donated for inclusion in the Natchez National Historical Park. The Department of Archives and History already operates two historic sites in Natchez and Adams County that complement the Natchez National Historical Park and help it fulfill its mission in Natchez. The area's native Indian heritage is presented at the Grand Village of the Natchez Indians, a National Historic Landmark archaeological site with an interpretive center and educational programs. The history of the territorial and early statehood periods is addressed at Historic Jefferson College, which has restored buildings, an interpretive center, and interpretive staff.

Interpretation of the William Johnson House offers an opportunity to tell the history of both slave and free African Americans in the antebellum and postbellum South. Among the significant black personalities associated with Natchez history is the famous African prince Ibrahima, whose enslavement attracted the attention of the President of the United States. Senator Hiram R. Revels, the first African-American to serve in either house of the United States Congress, was a Natchez minister. Noted nineteenth-century congressman John R. Lynch was a house slave at the mansion Dunleith in Natchez. The remarkable Mazique family, who forged a post-Civil War planting dynasty, were Natchez slaves. Richard Wright, author of BLACK BOY and NATIVE SON, was the son of a Natchez area sharecropper.

The monumental tasks of cataloguing and preserving the papers of William Johnson and of editing and publishing his diary have already been accomplished by Louisiana State University, located ninety miles from Natchez. The William Johnson House has been preserved and partially restored by the Preservation Society of Ellicott Hill. The Mississippi Department of Archives and History has begun fund-raising efforts to purchase the house for donation to the National Park Service. Johnson family descendants have original furnishings in storage in Natchez.

In closing, I feel strongly that the inclusion of the William Johnson House in the Natchez National Historical Park will add greatly to the nation's understanding of and appreciation for African-American contributions to the history and development of the South and, indeed, the entire nation.

Thank you.

Senator AKAKA. Thank you very much for your testimony. The Committee will certainly consider it well.

Senator LOTT. Thank you, Mr. Chairman.

Senator AKAKA. May I call up to the table Mr. James Ridenour and Mr. Dean Stepanek.

A statement by Senator Wallop will be inserted for the record.

And Senators Breaux, Cranston, and Wilson also will have statements for the record.

[The prepared statements of Senators Wallop, Breaux, Cranston and Wilson follow:]

Malcolm Wallop

Statement by Senator Malcolm Wallop

Subcommittee on Public Lands, National Parks and Forests

Hearing on S. 2464, S. 2475, S. 2555, S. 2612 and S. 2669

June 25, 1990

Mr. Chairman, thank you for holding this hearing. I would like to make a few comments on two of the bills.

First, it will not surprise anyone here that I have questions about the water language in S. 2464, the Red Rock Canyon National Conservation Area legislation. I don't see any purpose in the federal reservation of "the amount of water reasonably required to carry out the purposes for which the conservation area is established", rather than simply relying on state law to acquire any water rights which may be needed. That language also seems to directly contradict other language in the bill which provides that State land and waters may be acquired by donation or exchange.

Another of my concerns is that S. 2464 does not provide for acquisition of inholdings on a willing seller only basis as recommended by the Department of Interior. Although the Bureau of Land Management would state that they have no intention of condemning any of the properties, the legislation should state that limitation explicitly.

On the matter of S. 2475, Mr. Chairman, I have concerns with the establishment of the Mississippi River National Heritage Corridor Commission. Although I realize that there are twenty cosponsors for this legislation, I would like to point out that this would be merely another Commission for which the National Park Service would be responsible; and much of its mission would be duplicative of activities conducted by existing state and local governments, commissions and groups, in particular the Mississippi River Parkway Commission.

The number of "historic, economic, natural, recreational, scenic, cultural, and scientific resources" is so great, a study of these resources may well be unmanageable. In addition, other groups have either already inventoried and assessed the resources of the Mississippi River Corridor. Furthermore, the National Park Service already has the authority to conduct such a survey or inventory. The scope of the legislation, although meritorious, is far too broad to implement in any sensible fashion. Also, if this legislation is so needed, I think it would be most appropriate for the ten states involved to fund a substantial portion of the project. We might do such an inventory by using existing federal entities, such as the National Park Service. The end result may well be superior to that envisioned in the legislation.

Thank you, Mr. Chairman.

John Breaux

Testimony of Senator John Breaux on S. 2612

I would like to thank the Committee for the opportunity to submit testimony on behalf of S. 2612. I would point out that this legislation enjoys the cosponsorship of all 20 Senators from the 10 States that border the Mississippi river and that the House version of this bill, H.R. 2174, was passed on June 11, 1990.

The Mississippi River is nationally recognized for its abundance of commerce, history, and culture. The River and its borders form a corridor that is rich in scenic, historic, and natural resources. The 10 States bordering the Mississippi River (Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin) are committed to preserving, protecting and enhancing these resources for future generations. I believe this bill would be an important first step towards realizing this goal.

This bill differs from legislation that was introduced in the 100th Congress titled the "Mississippi River National Heritage Corridor Act of 1987". That bill would have designated the Mississippi River as a National Heritage Corridor. This bill, S. 2612, does not designate the

Mississippi River as a Corridor, rather it sets up a temporary Commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor.

The creation of a Mississippi River Corridor Study Commission would be of invaluable assistance in identifying ways to enhance and protect the historic, recreational, scenic, cultural, and scientific resources of the Mississippi River. Three years after its first meeting, the Commission will submit a final report recommending whether a National Heritage Corridor should be designated and if so, what the boundaries of such Corridor should be. The Commission will also develop a 10 year plan to promote historic preservation, tourism, environmental protection, and economic development along the Corridor.

The Mississippi River is a national treasure. Forty-one percent of the nation's surface water drains down the Mississippi River. It is a resource of national significance that deserves protection. The Mississippi River Corridor Study Commission will play an important role in planning for the future of the River. With this legislation we can help find ways to protect the environmental, historical, and cultural integrity of this important river region for future generations.

STATEMENT BY SENATOR ALAN CRANSTON
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
IN SUPPORT OF S. 2555, TO DESIGNATE THE LOWER MERCED RIVER
AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM
June 26, 1990

Mr. Chairman, I appreciate this opportunity to provide testimony in support of S. 2555, legislation I'm sponsoring to designate the Lower Merced River as a component of the National Wild and Scenic Rivers System.

Specifically, the bill designates 8 miles of the Lower Merced from 300 feet upstream of its confluence with Bear Creek to the maximum control storage of Lake McClure. It classifies 4 miles of the river as recreational and 4 miles as a wild river.

Additionally, S. 2555 withdraws the entire length of the main stem of the Merced River and portions of the South Fork from mineral entry, subject to valid existing rights. This withdrawal is essential to protect the river's recreational use and prevent cumulative impacts of dredging in the riverbed.

Finally, the bill includes language directing the Secretary of Interior to approve the Saxon Creek Project which is necessary to ensure an adequate supply of water for Mariposa County. The project, which would pump a maximum of 5,000 acre feet of water a year from the Merced River near its confluence with Saxon Creek, would not adversely impact the river's suitability for inclusion in the National Wild and Scenic Rivers System.

Mr. Chairman, as you may recall, in 1987 this Committee and the full Senate approved legislation to designate 79 miles of the main stem of Merced River from its origins in Yosemite National Park to the maximum control storage of Lake McClure as a component of the National Wild and Scenic Rivers System. The legislation included the 8 miles of the Lower Merced under consideration today. However, because of opposition from Mariposa County which needs an additional water supply, the final bill enacted in 1987 designated 71 miles and made the lower 8 miles of the Merced a study river.

I'm pleased to report that in April of this year the Mariposa County Board of Supervisors unanimously approved a resolution endorsing the inclusion of the Lower Merced River in the National Wild and Scenic Rivers System as proposed in this legislation.

Unfortunately, Mariposa County Supervisor Art Baggett was unable to be here today to present the Board's views. He very much wanted to testify personally, as passage of S. 2555 is a high priority of the Mariposa County Board of Supervisors. So I hope you will carefully read his statement which I ask be included in the hearing record.

S. 2555 is also supported by the Sierra Club, The Wilderness Society, American Rivers, Friends of the River, the Merced Canyon Committee, the California Wilderness Coalition, Planning and Conservation League, and the California Recreational Trails Committee. I am aware of opposition from an individual who wishes to develop a hydroelectric project which I understand would inundate the entire 8 miles of the Lower Merced right up to Briceburg and the designated Merced Wild and Scenic River. This is exactly the type of threat to the Lower Merced which S. 2555 is intended to prevent.

Mr. Chairman, I hope that you will again approve designation of this river segment and grant the Lower Merced the protection it deserves. Thank you.

STATEMENT OF SENATOR PETE WILSON

BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES'S

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

ON S. 2555

JUNE 26, 1990

Mr. Chairman, I appreciate your having scheduled today's hearing on legislation (S. 2555) that I have introduced with my colleague from California, Senator Cranston, to complete federal protection of the Merced River.

The Merced River and its South Fork travel almost 125 miles in their journey from the 12,000 foot peaks of Yosemite's Clark Range down to their quiet waters of Lake McClure, only 800 feet above sea level in the Sierra Nevada foothills. The banks of both the South Fork are rich in rare vegetation, and in the Spring, a brilliant array of flowers carpet the steep canyon walls of the river.

The area surrounding the river abounds in cultural heritage and is well known for its fascinating gold rush history. Over one million park visitors enjoy the Merced River and its South Fork. They come to experience the thrill of rafting its rapids, to fish its waters, and to witness its extraordinary beauty.

Mr. Chairman, you will recall that I introduced legislation in the 100th Congress to add certain segments of this magnificent river as components of the National Wild and Scenic Rivers System. I was pleased that this legislation was enacted into law, making the river one of four in California now federally protected under the Wild and Scenic Rivers Act.

That legislation guaranteed protection of 71 miles of the Main Stem of the river, from its source in Yosemite National Park to the town of Briceburg. It also preserves 43 miles of the South Fork, from its source in Yosemite to its union with the Main Stem. This includes river segments within Yosemite National Park, the Stanislaus and Sierra National Forests, and an area managed by the Bureau of Land Management.

That legislation also established that the lower eight miles of the river between Briceburg and Lake McClure Reservoir would be preserved as a wild and scenic "study" river. This was necessary because of Mariposa County's concerns about meeting the additional water supply needs of the county.

Mr. Chairman, Senator Cranston and I introduced S. 2555 after the Mariposa County Board of Supervisors unanimously approved a resolution this year endorsing full protection of the lower Merced River under the Wild and Scenic Rivers Act. Specifically, this legislation designates four miles of the lower Merced as "recreational" and classifies the remaining four miles as a "wild" river.

S. 2555 offers a unique opportunity to develop a resource, while at the same time preserving it for future generations. In addition to the "recreational" and "wild" designations that I have mentioned, S. 2555 also would allow for the construction of an important water project.

With California currently in its fourth consecutive year of drought, the Saxon Creek Project is essential to meeting the future water needs of this rapidly growing county. I submit with my statement a copy of the Mariposa County Water Agency's remarks on the virtues of this project.

This legislation is supported by all the major environmental groups. In addition, it has received an endorsement from the California State Department of Parks and Recreation's Recreational Trails Committee. I am not aware of any formal opposition to this bill.

The Lower Merced River truly is a beautiful area that deserves the kind of protection that will allow generations of Americans to continue enjoying its many outstanding recreational and scenic features.

I appreciate the Subcommittee's willingness to hold this hearing today. I look forward to this bill being reported out of Committee and brought to the Senate floor for consideration as expeditiously as possible. Thank you, Mr. Chairman.

Senator AKAKA. At this time, the Committee would like to hear from Mr. James Ridenour, Director of National Park Service.

STATEMENTS OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY KIRK CORDELL, DIRECTOR OF CULTURAL AFFAIRS, SOUTHEAST REGION

Mr. RIDENOUR. Which bill shall we proceed on—the Johnson?

Senator AKAKA. I am sorry. This is S. 2475, S. 2612 and S. 2669.

Mr. RIDENOUR. S. 2475 would be the Johnson bill. I would like to introduce Kirk Cordell of our staff, who is from the southeast region and director of our cultural affairs for that region and who has done most of the work. And if we have questions that go beyond my limited capacity, I will call on Kirk right here behind me.

We strongly support the enactment of S. 2475 which would include the William Johnson House within the boundaries of the Natchez National Historic Park. Under the 1988 act, the park consists of historic districts in Natchez and its immediate environs, together with the properties known as Melrose and Fort Rosalie. S. 2475 would amend the act to add the William Johnson House as a component of the park and authorize its acquisition in fee by donation.

Inclusion of the William Johnson House would add significantly to our ability to interpret the story of free blacks in the Mississippi River city. The William Johnson House in Natchez was the residence of barber William Johnson, a freed black whose published diary provides the most complete and accurate account of the life of a freed black in the antebellum South now available to us.

The William Johnson House was individually listed in the National Register of Historic Places in 1976. The house is also one of the buildings included in Natchez on-the-Top-of-the-Hill Historic District, which was listed in the National Register in 1979.

The bill authorizes acquisition of the Johnson house, personal property and the adjacent building only by donation. The existing owners are receptive to this proposal, although we have no firm commitments from them to donate their properties if the bill is enacted. We feel they are receptive to the proposal.

The current cost estimate for development including restoration and exhibit design and annual operation of the William Johnson House are as follows. For development, we would anticipate about $410,000, and for annual operating about $175,000.

William Johnson certainly seemed to be, appears to be a remarkable man in the history of the South. And the home, we feel, will make a great addition to the National Park Service and will add that extra element that both senators talked about of having a home actually owned by a black in that park. So we are very supportive, Mr. Chairman, of this bill.

[The prepared statement of Mr. Ridenour concerning S. 2475 follows:]

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2475, A BILL TO ADD THE WILLIAM JOHNSON HOUSE TO NATCHEZ NATIONAL HISTORICAL PARK.

June 26, 1990

Mr. Chairman, we strongly support the enactment of S. 2475, which would include the William Johnson House within the boundaries of the Natchez National Historical Park. The park was established by Public Law 100-479 on October 7, 1988, to:

> "(1) preserve and interpret the history of Natchez Mississippi, as a significant city in the American South;
>
> (2) preserve and interpret the sites and structures associated with all the peoples of Natchez and its surrounding area from earliest inhabitants to the modern era, and including blacks both slave and free;
>
> (3) preserve and interpret the region's social, political and economic development, with particular emphasis on the pre- and post Civil War eras; and
>
> (4) preserve and interpret the region's commercial and agricultural history, especially in relation to the Mississippi River and cotton."

Under the 1988 Act, the park consists of historic districts in Natchez and its immediate environs (to be established by the Secretary of the Interior following a study), together with the properties known as Melrose and Fort Rosalie.
S. 2475 would amend the Act to add the William Johnson House as a component of the park and authorize its acquisition in fee by donation.

Inclusion of the William Johnson House would add significantly to our ability to interpret the story of free blacks in this Mississippi River city.

Nowhere in the antebellum South was a slave-based society and economy more dominant than in the region surrounding Natchez. It is significant, therefore, that William Johnson, a free black in this society, could prosper and even gain widespread community respect.

The William Johnson House in Natchez was the residence of barber William Johnson, a free black whose published diary provides the most complete and accurate account of the life of a free black in the antebellum south now available to us. The William Johnson House was individually listed in the National Register of Historic Places in 1976. The house is also one of the buildings included in the Natchez on-Top-of-the-Hill Historic District, which was listed in the National Register in 1979.

Born a slave in 1809, Johnson was freed in 1820. After learning the profession of barbering from his brother-in-law, Johnson eventually became proprietor and owner of two barber shops -- a large shop on Main Street in the heart of the Natchez commercial district, and a smaller shop near the riverfront in Natchez-Under-the-Hill.

An astute businessman, Johnson invested the earnings derived from barbering in various commercial enterprises including urban real estate and a plantation. He also owned slaves who worked on his plantation and in his barber shops. Because he was adroit in financial matters, Johnson was frequently employed by white businessmen as an agent in negotiating land purchases and other transactions. Johnson's enterprising nature and unswerving honestly earned him the respect of the entire Natchez community, and by the 1840s he held the ranking position among the town's free black society.

In June 1851, Johnson was murdered by a white man as the result of a dispute over a tract of land. Despite public outrage, the legal restrictions of race prevented the conviction of this murderer. After his funeral, the Natchez Courier lauded Johnson as a man of "peaceable character," "excellent standing," and "as one well worthy of imitation by all his class."

Erected in 1841, the William Johnson House is a two-story, brick townhouse. A single commercial space occupies the ground floor. The second floor residential space still retains its original floor plan and some original finishes. The attic dormer windows face the street. Behind the house is a two-story brick kitchen building erected in the 1890s to replace an earlier kitchen which burned.

Portions of the Johnson House, including the primary facade and the rear gallery and steps, have been restored. Archeological work has taken place on the site of the original kitchen. The owners are continuing the restoration and have recently let a contract for masonry repairs to the rear wall. The Johnson House shares a common side wall with another structure of about the same age. This adjacent building is in good condition and is currently used as an office.

The Johnson family retained ownership of the house until 1976 when the Preservation Society of Ellicot Hill purchased it and undertook partial restoration. Ten years later the Mississippi Department of Archives and History joined the efforts to restore and interpret the structure.

The acquisition of the William Johnson House as part of the Natchez National Historical park would provide the unparalleled opportunity to interpret the experience of free blacks in Natchez and the antebellum South. This is currently not a major theme at any other unit of the National Park System. It would also be an excellent counterpart to the theme of slavery which will also be a focal point of interpretation at the Natchez park.

The Johnson House would make an excellent interpretive facility. The first floor is ideal for exhibit space and a restored second floor could be used to interpret the domestic life of a free black family. The kitchen building could provide additional exhibit space or could be restored. The building sharing a common wall with the Johnson House offers space which could be used for offices, meetings, and visitor contact station, or a staging area for walking tours. Proposals for restoration would be subject to review under Federal preservation laws.

The bill authorizes acquisition of the Johnson House, personal property, and the adjacent building, only by donation. The existing owners are receptive to this proposal, although we have no firm commitments from them to donate their properties if the bill is enacted.

Current cost estimates for development, including restoration and exhibit design, and annual operation of the William Johnson House are as follows:

Development:

Restoration	$250,000
Historic structures report	60,000
Exhibits and furnishings	100,000
Total	$410,000
Annual operating costs	$175,000

These estimates are subject to change as plans are completed. Also, funding would be subject to the normal priority-setting process in the budget.

This concludes my prepared statement, Mr. Chairman. I would be pleased to answer any questions you may have.

Senator **Akaka**. Thank you for your statement on S. 2475.

Mr. **Ridenour**. Now the one you wanted to go to next was S. 2612; that is Mississippi River.

Mr. Chairman, this one we are not as positive on. We oppose enactment of S. 2612. S. 2612, if enacted, would establish a commission known as the Mississippi River Corridor Study Commission consisting of 15 members, to be appointed not later than 45 days after the effective date of this act. As a part of that 15, 10 members would be appointed by the governors of each of the states bordering the Mississippi River. The corridor would include 10 states bordering the Mississippi River.

Basically our problem with this bill is that we believe we have done a great deal of this study in segments. And we believe that the overall scope of this study is one that would be nearly impossible to accomplish. I will give you some examples.

One of the duties of this commission, as clearly stated in S. 2612, is to consult with a variety of existing commissions, including the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission and the Mississippi River Coordinating Commission.

The Great River Road Association alone has spent nearly $750 million of Federal, state and local monies for road improvements, scenic and historic preservation, recreation, trails and tourist information centers along the Great River Road. The National Park Service under the 1936 Parkway and Recreation Area Study Act and other subsequent legislation already has the authority to engage in surveys, inventories and coordination activities with respect to outdoor recreation and resource conservation. From our standpoint this measure provides no additional authority in this area.

Mr. Chairman, we do not believe that it is possible or appropriate to implement S. 2612 as currently drafted. The scope of the assessment and the planning required to be performed by the proposed commission appears to be far too broad for such an entity. Such assessment and planning are already being done and should continue to be performed by the many state and local governments and Federal agencies with jurisdiction over various aspects of the Mississippi River.

Further, while such a commission could feasibly conduct a more limited review of options for enhancing the River's overall recreational potential, that kind of study has been done previously. That river corridor is over 2,000 miles long and incorporates innumerable historic, economic, environmental, recreational, scenic, cultural and scientific resources.

These resources are currently administered by several Federal agencies, 10 states and hundreds of local governments. Yet the commission would be required by S. 2612 to inventory all of these resources and to assess the preservation, protection, enhancement, enjoyment and utilization potential of every one.

We think that that is just too broad for a single federally sponsored agency to perform tasks of this magnitude; it would require many years of effort at significant cost. This effort would duplicate, if not compete with, the ongoing process of assessing and making decisions about the Mississippi River's resources that is now carried out by state and local governments and Federal agencies.

It is unlikely that a study performed by this single entity could substitute efficiently or effectively for the existing decentralized process of planning for the river resources.

Regarding the value of establishing the commission to perform a more limited review of options for enhancing the Mississippi's recreational potential, we note that the National Park Service has previously conducted such studies of the river, notably a parkway study done in 1951 and a study of the Upper Mississippi River above St. Louis in 1971.

Also we believe the ongoing function of promoting the Mississippi's recreational values is already achieved by the existing Mississippi River Parkway Commission, which was established in 1938 acting in concert with the other existing commissions and associations mentioned earlier.

We believe that there are efforts at the ground level, at state and local units of government, where we might be able to be helpful from a technical assistance possibility, Mr. Chairman, but we believe that this one bill rolls too many things into one for us to successfully complete it as described.

Thank you, sir.

[The prepared statement of Mr. Ridenour concerning S. 2612 follows:]

STATEMENT OF MR. JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 2612, A BILL TO ESTABLISH A COMMISSION TO DETERMINE THE FEASIBILITY OF DESIGNATING THE MISSISSIPPI RIVER AS A NATIONAL HERITAGE CORRIDOR.

June 26, 1990

Mr. Chairman, it is a pleasure to appear before this Committee today to discuss S. 2612, a bill to establish a commission to determine the feasibility of designating the Mississippi River as a national heritage corridor.

Mr. Chairman, we oppose enactment of S. 2612.

S. 2612, if enacted, would establish a commission known as the Mississippi River Corridor Study Commission consisting of 15 members to be appointed not later than 45 days after the effective date of this Act, including the Directors of the National Park Service and the U.S. Fish and Wildlife Service, the Secretaries of Transportation and Commerce, and the Chief of the Army Corps of Engineers, or their designees. An additional 10 members, to serve without compensation, would be appointed by the Governors of each of the states bordering the Mississippi River. Following consultation with a variety of Federal, State and private organizations and the gathering of information concerning the historic, economic, recreational, scenic, cultural, and scientific resources and their potential utilization, the Commission would prepare a report, including recommendations, specifying the results of the study regarding the feasibility of creating a Mississippi River National Heritage Corridor and the preservation, protection, enhancement, enjoyment, and utilization of the resources of the corridor consistent with the purposes of the bill. The corridor would include the 10 states bordering the Mississippi River.

The bill is silent on such things as funds to be authorized for appropriation to carry out its purposes, to whom the report is to be delivered, and the timeframe in which the report is to be completed. Purposes to be accomplished by enactment of S. 2612 must be inferred from section 2, entitled "Findings."

The report which would be required pursuant to subsection 5(c) of S. 2612 would contain:

A. a description of and proposed boundaries of a Mississippi River National Heritage Corridor if so recommended, showing both primary and secondary zones;

B. an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

C. specific preservation and interpretation goals and a priority timetable for their achievement;

D. proposed alternative management strategies whereby funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

E. proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act;

F. proposals to improve guidance and assistance provided Mississippi River states and political subdivisions and other entities regarding their compliance with applicable provisions of the Clean Water Act, the Safe Drinking Water Act, and related laws; and

G. such recommendations as the Commission may deem appropriate with respect to the above and to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

The Commission would be authorized to assemble a paid staff and to procure the services of experts and consultants on a temporary or intermittent basis under the rules of Title 5 of the United States Code. The Commission may also accept the services of personnel detailed to it from a Mississippi River state. Reimbursement of Commission members, who serve without pay, would be authorized under Title 5, also.

Mr. Chairman, one of the duties of this Commission, as clearly stated in S. 2612, is to consult with a variety of existing commissions, including the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission. The Great River Road Association alone has spent nearly three-quarters of a billion dollars of Federal, State and local monies for road improvements, scenic and historic preservation, recreation trails and tourist information centers along the Great River Road.

The National Park Service, under the 1936 Park, Parkway and Recreation Area Study Act and other subsequent legislation, already has the authority to engage in surveys, inventories, and coordination activities with respect to outdoor recreation and resource conservation. From our standpoint this measure provides no additional authority in this area.

Mr. Chairman, we do not believe that it is possible or appropriate to implement S. 2612 as currently drafted. The scope of the assessment and planning required to be performed by the proposed Commission appears to be far too broad for such an entity. Such assessment and planning is already being done, and should continue to be performed, by many State and local governments and Federal agencies with jurisdiction over various aspects of the Mississippi River. Further, while such a commission could feasibly conduct a more limited review of options for enhancing the River's overall recreational potential, that kind of study has been done previously.

The Mississippi River corridor is over 2,000 miles long and incorporates innumerable historic, economic, environmental, recreational, scenic, cultural, and scientific resources. These resources are currently administered by several Federal agencies, 10 States, and hundreds of local governments. Yet the Commission would be required by S. 2612 to inventory all of these resources, and to assess the "preservation, protection, enhancement, enjoyment, and utilization potential" of every one.

In addition to producing an inventory and assessment of resources, the Commission would be expected to collect "information dealing with ongoing activities, management plans and opportunities regarding" all of these resources, and making this information available to "Federal agencies, States, political subdivisions of States, tribal governments, volunteer associations, and private businesses." Taken literally, this would amount to advising every entity along the River (including potentially thousands of businesses) regarding what every other entity is doing, or planning to do.

For a single, Federally sponsored entity to perform tasks of these magnitudes would require many years of effort at significant cost. This effort would duplicate, if not compete with, the ongoing process of assessing and making decisions about the Mississippi River's resources that is now carried out by State and local governments and Federal agencies. It is unlikely that a study performed by _any_ single entity could substitute efficiently or effectively for the existing, decentralized process of planning for the River's resources.

Regarding the value of establishing the Commission to perform a more limited review of options for enhancing the Mississippi's recreational potential, we note that the National Park Service has previously conducted such studies of the River, notably a parkway study done in 1951 and a study of the upper Mississippi River above St. Louis in 1971. Also, we believe the ongoing function of promoting the Mississippi's recreational values is already achieved by the existing Mississippi River Parkway Commission, which was established in 1938, acting in concert with the other existing commissions and associations mentioned earlier.

Mr. Chairman, this concludes my prepared remarks on S. 2612. I would be happy to respond to your questions at this time.

Senator Akaka. Thank you for your testimony on S. 2612. And now we will hear from you on S. 2669.

Mr. Ridenour. We recommend the enactment of the bill. It is identical to the draft legislation submitted to the Congress by Assistant Secretary Harriman on May 4, 1990 of this year.

We further recommend an amendment to correct an error in the amount of the new development ceiling for one of the parks referred to in the bill. The President's budget for fiscal year 1991 recommends the appropriation of funds for land acquisition and development which exceeds the statutory ceilings on such appropriations at five units of the National Park System.

Assistant Secretary Harriman's transmittal letter of May 4 sets forth in detail the amounts in the budget and the new ceilings proposed in the legislation. Briefly, the 1991 budget requests for which an increased ceiling is proposed are: Channel Islands National Park, California—$14,500,000 that would be to buy the remaining three-fourths interest which is still outstanding and in private hands at Channel Islands. The C&O Canal Historical Park—$7 million, which would be added to a previous appropriation of approximately $4 million to complete essentially the Capital Crescent Trail, 3.3 miles here in the Maryland-Washington, D.C. area; includes about 34 acres.

And the Cumberland Island National Seashore which is in Georgia, those funds of $10 million would be used to purchase the Ferguson estate. Mrs. Ferguson just passed away this past year and there was an agreement the estate would not be purchased before that took place. That is the largest remaining piece of ground in the Cumberland Island National Seashore that remains to be purchased.

In the Cuyahoga Valley, which I had the distinct pleasure of visiting yesterday—so I got to see some of these things first-hand—we are requesting $8,308,000, the bulk of which would go to clean-up a very unfortunate situation with a hazardous dump area. That has been an ongoing problem and continues to be a problem. The bulk of that money—some $6 million of that would go to clean up that area. The rest of that money would go to fix up the water system for what they call the Virginia Kendall unit. And while I really did not realize until I got home last night that this was going to be on the schedule, it was interesting because I noticed in the Kendall unit that they had hauled in water in all cases. And they had large plastic containers of water because they could not get adequate water to these units for the thousands of people who use that Cuyahoga Valley area.

If you are not familiar with that that is the area that is essentially the Greenbelt area spreading between Cleveland and Akron, Ohio. So it is a very heavily used area.

And, of course, Mr. Chairman, you so very aptly described in your remarks the needs that we have at Kalaupapa. And I want to personally thank you publicly for the efforts you have made on its behalf over the years and say that obviously you are well aware of our need to do something with the water lines systems there, both from a sanitary standpoint and a safety standpoint as it relates to fire.

Finally, let me speak for just a second about the amendment. When the legislation was prepared it incorrectly proposed a new development ceiling for Cuyahoga Valley National Recreation area. The new ceiling did not take into account that $7,240,000 already appropriated in fiscal year 1990. It did not have that figure in there. So accordingly the figure on page 2 of this legislation, line 19, of S. 2669 should be $29,463,000 rather than the number we have in. That is a technical correction. The other money was already appropriated in the 1990 budget; that is being expended.

That concludes my prepared testimony, Mr. Chairman, but I want to take one more second to pat ourselves on the back just for a second. This piece of legislation, although it is not earthshaking, is important. There are a number of things in there that are very important to a number of our areas including the area in Hawaii.

But this is the first piece of legislation that we have been able to prepare as the administration and have moved all the way through the system. It is painstaking to move a piece of legislation through our system, to get it here finally. And we are very proud that that started. We hope that is opening up the door to us—going on the offense a little more than just playing defense like we have so many years in the past.

We hope that this is the first of what will be many more to come of an aggressive offensive posture on the part of the Administration in taking care of our Nation's proud reserves and protecting our parks and natural resources.

Thank you very much, sir.

[The prepared statement of Mr. Ridenour concerning S. 2669 follows:]

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S.2669, A BILL TO INCREASE APPROPRIATION CEILINGS FOR LAND ACQUISITION AND DEVELOPMENT AT CERTAIN UNITS OF THE NATIONAL PARK SYSTEM

JUNE 26, 1990

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on S.2669.

We recommend the enactment of the bill. It is identical to the draft legislation submitted to the Congress by Assistant Secretary Harriman on May 4 of this year. We further recommend an amendment to correct an error in the amount of the new development ceiling for one of the parks referred to in the bill.

The President's budget for fiscal year 1991 recommends the appropriation of funds for land acquisition and development which exceed the statutory ceilings on such appropriations at five units of the National Park System. Although Congress could appropriate funds in excess of a ceiling fixed by statute, as a technical matter such appropriations could be viewed as being made without the necessary authorization. Accordingly, the bill submitted by the Department, and introduced as S.2669, would increase these statutory ceilings by amounts necessary to authorize the appropriations requested in the President's budget.

Assistant Secretary Harriman's transmittal letter of May 4 sets forth in detail the amounts in the budget and the new ceiling proposed in the legislation. Briefly, the 1991 budget requests appropriations at the following park units, for which an increase in the ceiling is proposed:

	FY 1991 budget
Land acquisition:	
Channel Islands National Park, CA	$14,500,000
C&O Canal National Historical Park, MD-DC	7,000,000
Cumberland Island National Seashore, GA	10,000,000
Development:	
Cuyahoga Valley National Recreation Area, OH	8,308,000
Kalaupapa National Historical Park, HI	3,510,000

Mr. Chairman, each of these parks was authorized years ago, and estimates of future land and development costs are very difficult to make with complete accuracy. Ceilings adopted at the time of authorization are, as your Committee is aware, amended frequently to provide the technical authorization of funds needed to continue land acquisition and development in authorized park areas. We recommend that the Congress do so for these five parks as well.

Mr. Chairman, when the legislation was prepared, it incorrectly proposed a new development ceiling for Cuyahoga Valley National Recreation Area. The new ceiling did not take into account $7,240,000 already appropriated in fiscal 1990. Accordingly, the figure on page 2, line 19 of S.2669 should be $29,463,000. We regret this oversight, and recommend that the bill be amended to incorporate the correct figure.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you may have.

Senator **Akaka**. Thank you very much for your testimony. I agree with you and hope that there will be other steps.

I would like to hear from Dean Stepanek on S. 2464 and S. 2555.

STATEMENT OF DEAN STEPANEK, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY JOEL MUIR, MANAGER, RED ROCK CANYON RECREATION AREA

Mr. **Stepanek**. Thank you, Mr. Chairman.

Director Jamison had hoped to appear today in support of S. 2464. The administration's announcement on the spotted owl issue is coming this afternoon, and he was detained.

The resource values contained in the Red Rock Canyon area deserve the special management that designation as a National Conservation Area would provide. We support enactment of S. 2464.

In title I it is important that the designation of the National Conservation Area in section 101(a)(1) be made subject to valid existing rights. This will clarify that a taking is not intended by the designation of an NCA.

In title II there is no ceiling set on the amount or percentage of equalization payment that would be permitted. It is important that a limit be set on the amount of payment that can be made to equalize values. Preferably, it should be along the lines of the 25 percent limit contained in the Federal Land Policy and Management Act of 1976.

We also note that the bill permits the Secretary to make exchanges for other-than-equal value. The criterion is public interest. Since under FLPMA all exchanges must be in the public interest and that is our established practice, it is questionable how the two provisions of section 202(b) can be implemented in fairness to all. We believe that all exchanges should be made on the basis of equal value.

The administration opposes the creation of a Federal reserve water right. If a water right is needed, it should be secured under state law. However, if the Federal water right language remains, the bill should make it clear that such a right should be secured by filing a claim under the laws of the State of Nevada. This would more closely reflect the administration's policy.

S. 2464 contains no provision for the collection of fees. Collection of fees would be consistent with the administration's goal of having users pay their fair share of the cost for the resources they use and enjoy. Such activity could easily be instituted in this case because there is a limited number of access points to Red Rock Canyon.

That concludes my comments relative to this bill, Mr. Chairman. It is my good fortune to have with me Joel Muir, who is the manager of the Red Rock Canyon Recreation Area. Between us we would be pleased to answer any questions that you might have.

[The prepared statement of Mr. Jamison concerning S. 2464 follows:]

JUN 2 6 1990

STATEMENT OF CY JAMISON, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2464, A BILL "TO ESTABLISH THE RED ROCK CANYON NATIONAL CONSERVATION AREA."

I appreciate the opportunity to appear here today to present the Department's views on S. 2464, a bill which would establish the Red Rock Canyon National Conservation Area in southern Nevada.

The resource values contained in the Red Rock Canyon area deserve the special management that designation as a National Conservation Area would provide. We support enactment of S. 2464, if it is amended. We offer these comments and suggested amendments to S. 2464.

Title I

o It is important that the designation of the National Conservation Area in section 101(a)(1) be made subject to valid existing rights. This will clarify that a taking is not intended by the designation of the National Conservation Area.

Title II

o There is no ceiling set on the amount or percentage of equalization payment that would be permitted. It is important that a limit be set on the amount of payment that can be made to equalize values. Preferably it should be along the lines of the 25 percent limit contained in the Federal

Land Policy and Management Act of 1976 (FLPMA). We also note that the bill permits the Secretary to make exchanges for other than equal value. The criterion is public interest. Since under FLPMA all exchanges must be in the public interest and that is our established practice, it is questionable how the two provisions of section 202(b) can be implemented in fairness to all. We believe that all exchanges should be made on the basis of equal value.

- We oppose the creation of a Federal reserved water right. If a water right is needed, it should be secured under State law. However, if Federal water right language remains, the bill should make it clear that such a right should be secured by filing a claim under the laws of the State of Nevada. This would more closely reflect the Administration's policy.

General

- S. 2464 contains no provision for collection of fees. Collection of fees would be consistent with the Administration's goal of having users pay their fair share of the costs for the resources they use and enjoy. Such activity could be easily instituted in this case because there are a limited number of access points to Red Rock Canyon.

- We recommend a technical correction to section 205. This section refers to "Secretaries." However, S. 2464 would apply only to the Secretary of the Interior. This should be corrected.

This concludes my prepared statement. I will be pleased to answer questions.

Summary of S. 2464

Section 101 would designate approximately 62,000 acres as the Red Rock Canyon National Conservation Area, to conserve, protect and enhance the unique and nationally important geologic, archeological, ecological, cultural, scenic, scientific and recreation resources of the public lands therein contained. It would require that legal descriptions be filed with the appropriate Committees of the House of Representatives and the Senate.

Section 102 would direct the Secretary of the Interior (Secretary), through the BLM, to manage the area to conserve, protect, and enhance the resources, in accordance with the Federal Land Policy and Management Act of 1976 and other laws including those relating to management of wild free roaming horses and burros on public lands. It provides for hunting and prohibits collecting wood for sale or other commercial purposes. Nothing in the Act would preclude measures to prevent fire or infestations of insects and diseases.

Section 201 of Title II would require that management plans for the area be completed and submitted to the Congress within 3 fiscal years following the fiscal year of enactment. The management plan would be required to be developed with full public participation, and would be required to include:

- an implementation plan for interpretation and public education;

- a proposal for public facilities to be developed, expanded or improved, including the Red Rock Canyon visitor center;

- a natural and cultural resource management plan;
- a wildlife resource management plan;
- a recreation management plan; and
- a wild horse and burro management plan.

Section 201(b) would require the Secretary to review and recommend the suitability or nonsuitability of preserving 46,500 acres of the area as wilderness. Pending submission of a recommendation and until otherwise directed by the Congress, these lands would be managed so as to maintain their potential for inclusion in the National Wilderness Preservation System.

Section 202 would provide for the acquisition of lands, waters, or interests in lands and waters by donation, purchase, exchange, or transfer from another Federal agency. Acquisitions would be limited to lands within the area, or outside the boundary when required for access. Exchanges would be based on equal value and either party could pay or accept cash to equalize property values. If the parties agree to an exchange and the Secretary determines it is in the public interest, the exchange could be made for other than equal value. Federally owned lands located within the conservation area could be transferred out of Federal ownership only in exchange for lands owned by the State or a political subdivision thereof. State lands could be acquired only by donation or exchange.

All lands acquired within the conservation area would be incorporated into the area and managed according to S. 2464 and other laws applicable to conservation areas.

Section 203 would withdraw, subject to valid and existing rights, all Federal lands from the operation of the public land laws and the mining, and mineral and geothermal leasing laws.

Under section 204, the Secretary would be encouraged to enter into cost effective cooperative agreements for the management and interpretation of natural and cultural resources.

Section 205 would require the Secretary to coordinate management of the lands with surrounding State and Federal lands in a manner best to meet the present and future needs of the American people.

Under section 206, the Congress would expressly reserve to the United States the amount of water reasonably required to carry out the purposes for which the area is established. The priority date of this right would be the date of enactment of this bill. Valid or existing water rights, or applications, would not be disturbed. Section 206(c) would provide that nothing in this bill shall be construed as establishing a precedent to any future reservation of water rights, or affecting the interpretation of any other Act or any reservation of water rights.

Section 207 would define the term "public lands" and section 208 would provide for appropriations authority.

Senator AKAKA. Will you then proceed to S. 2555?

Mr. STEPANEK. We support wild and scenic designation for the Lower Merced River and would support S. 2555.

The Bureau of Land Management has placed a high priority on the preservation and management of the Merced River. In 1987 the BLM, the Forest Service, and the National Park Service conducted a joint study of the eligibility and suitability of the Merced River for inclusion in the Wild and Scenic Rivers System. The results of that study, published in The Sierra National Forest Land and Resource Management Plan, showed that the river, from within Yosemite National Park, across the Sierra and Stanislaus National Forests and then across public lands administered by BLM, was eligible and suitable for designation under the Wild and Scenic Rivers Act.

On November 2, 1987 Public Law 100-149 was passed and added 71 miles of the Merced to the Nation's Wild and Scenic Rivers System. About 8 miles of the river was placed in study river status in order to allow the county of Mariposa time to resolve the county's domestic water supply needs from the Merced River. This has been done, and the resultant project—the Saxon Creek project—is authorized in the bill.

S. 2555 would effectively preserve the last eight undesignated miles of the Merced River, ensure a water source for Mariposa County without direct or adverse impact on the river, and allow recreational mining to the extent that such use is consistent with other river uses and values. It would establish proper classification of river segments. The map of the river mentioned in the bill apparently sets a reasonable one-quarter-mile wide boundary for the wild and scenic river corridor.

This legislation reflects the high degree of coordination and cooperation that has occurred amongst various government agencies; Federal, state, local and municipal governments; interest groups; and the general public. This bill is essential to protect, preserve and allow proper management of the Lower Merced River. This belief is apparently shared by the public. About 90 percent of the public comments received in response to the joint agency study favored wild and scenic designation.

The bill is consistent with the BLM's land use plan for the Merced River, and its provisions are logical extensions of the 1987 legislation. The boundaries of the segment of the Merced River included in S. 2555 have been developed in the draft management plan for the river. It would helpful if the bill established those boundaries, rather than merely referring to a map.

Sections 2 and 3 of S. 2555 are undoubtedly intended to amend the Wild and Scenic Rivers Act. However, that is not what the language of the bill does. We would be happy to work with your staff in developing appropriate amendments.

That concludes my statement on S. 2555.

[The prepared statement of Mr. Jamison concerning S. 2555 follows:]

JUN 26 1990

STATEMENT OF CY JAMISON, DIRECTOR, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 2555, A BILL "TO AMEND THE WILD AND SCENIC RIVERS ACT BY DESIGNATING A SEGMENT OF THE LOWER MERCED RIVER IN CALIFORNIA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM."

I appreciate the opportunity to appear here today to discuss S. 2555, a bill to designate a portion of the lower Merced River in California as a Wild and Scenic River.

The Bureau of Land Management supports Wild and Scenic designation for the lower Merced River and would support S. 2555, if amended.

The Bureau of Land Management (BLM) has placed a high priority on the preservation and management of the Merced River. In 1987, the BLM, the Forest Service, and the Park Service conducted a joint study of the eligibility and suitability of the Merced River for inclusion in the wild and scenic river system. The results of that study, published in the Sierra National Forest Land and Resource Management Plan, showed that the river from within Yosemite National Park, across the Sierra and Stanislaus National Forests, and then across public lands administered by the Bureau was eligible and suitable for designation under the Wild and Scenic River Act.

On November 2, 1987 Public Law 100-149 was passed and added 71 miles of the Merced River to the nations wild and scenic river system. About 8 miles of the river were placed in study-river status in order to allow the County of Mariposa time to resolve the county's domestic water supply needs from the Merced River. This has been done and the resultant project, the Saxon Creek Project, is authorized in the bill.

S. 2555 would effectively preserve the last 8 undesignated miles of the Merced River; insure a water source for Mariposa County without direct or adverse impact on the river; and allow recreational mining to the extent that such use is consistent with other river uses and values. It would establish proper classification of river segments. The map of the river mentioned in the bill apparently sets a reasonable 1/4 mile wide boundary for the wild and scenic river corridor.

This legislation reflects the high degree of coordination and cooperation that has occurred among various government agencies: federal, state, local and municipal governments, interest groups and the general public.

We believe this bill is essential to protect, preserve and allow proper management of the lower Merced River. This belief is apparently shared by the public. About ninety percent of public comments received in response to the joint agency study favored wild and scenic designation.

The bill is consistent with the Bureau's land use plan for the Merced River and its provisions are a logical extension of the 1987 legislation.

The boundaries of the segment of the Merced River included in S. 2555 have been developed in the draft management plan for the river. It would be helpful if the bill established those boundaries rather than merely referring to a map.

Sections 2 and 3 of S. 2555 undoubtedly intended to amend the Wild and Scenic Rivers Act. However, that is not what the language of the bill does. We would be happy to work with your staff in developing appropriate amendments.

This concludes my prepared statement. I will be pleased to answer questions.

BILL SUMMARY - S.2555

Section 1 of the bill would amend Section 3(a) of the Wild and Scenic Rivers Act to include the designation of an 8-mile segment of the Merced River above Lake McClure, California. Administration of the designated segment would be by the Secretary of the Interior, with defined sections being managed as wild or recreational. It would direct the Secretary to make appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District of the Bureau of Land Management, and would authorize the appropriate sums necessary for acquisition of lands, interest in lands and for development.

Section 2 would provide that, in addition to the wild river segments covered by section 9(a)(iii), the recreational river segment on the main stem of the Merced River and the scenic river segment on the South Fork Merced River be withdrawn, subject to valid existing rights, from settlement, location, entry and appropriation under the public land laws, including the mining laws.

Section 3 would provide that consistent with the provisions of this Act, including section 7, the Secretary of the Interior permit the construction and operation of water pumping facilities and associated pipelines for the Saxon Creek Project, a water supply project of the Mariposa County Water Agency.

Section 2 and 3 refer to sections of "this Act" but do not identify the Act that is being supplemented.

Senator **Akaka**. Thank you very much, Mr. Stepanek, for your testimony. I want to say for the record, you are Deputy Director of the Bureau of Land Management.

I also, before you leave the table, would like to make some remarks to Director Ridenour, to thank you for your testimony again. I can assure you that I intend to do my part to assist the legislation relating to Kalaupapa and the other parks through the legislative process.

I also want to take this opportunity to raise another concern, really, relating to national parks in Hawaii. A proposal to establish a national park along the Ka Iwa shoreline on the island of Oahu has been attracting increased attention. The Ka Iwa shoreline stretches along the East Oahu Coast that is along the Hanama Bay area. It has considerable scenic grandeur, and is known for Hanama Bay, Makapuu Point, Koko Head and Halona Point Blow Hole, Queen's Beach and Sandy Beach. These are some of the finest scenic landmarks in the islands, and these are on Oahu.

It would give Oahu, the most populous island, its first and only national park. The area is also adaptable to a wide range of recreational activity, and I firmly believe that the concept of establishing a park on this site is worth considering.

I am telling you this because the Subcommittee on Public Lands, National Parks and Forests has agreed to hold hearings in Hawaii on July 14, to examine the potential of including this site in the National Park System. I look forward to the cooperation of the Park Service as we investigate the potential for a park on the Ka Iwa shoreline. I am sure that your job has many, many hardships, not the least of which might be having to travel to Hawaii to investigate the need to establish a park along our shoreline. We would welcome you or a representative of the Park Service at our hearing in Hawaii.

Mr. **Ridenour**. Thank you very much, Mr. Chairman. I had the opportunity to see the area, I believe as you describe it, many years ago when I was on my R&R leave from Vietnam and met my wife in Hawaii and we toured that area. But it has been far too many years ago for me to remember everything about it, so maybe I should come back and see it again.

Senator **Akaka**. I hope you can. Thank you very much.

I would like to have these four persons come to the table: Mr. H. Dan Derbes, Chairman, Mississippi River Parkway Commission; Mr. K.C. DenDooven, Chairman, Red Rock Canyon Interpretive Association; Mr. Trenton Davis, Director, Mariposa County Development Corporation; and Mr. Don Hellman, the Wilderness Society.

Welcome, gentlemen, and I would like to have you give your statements in the order I called you, beginning with Dan Derbes on S. 2612.

STATEMENT OF H. DAN DERBES, CHAIRMAN, MISSISSIPPI RIVER PARKWAY COMMISSION

Mr. **Derbes**. Thank you, Mr. Chairman. My name is H. Dan Derbes and I am the Chairman for the 10 Mississippi River Parkway Commission—10-state Mississippi Parkway Commission, and a citizen of the state of Louisiana. With me today is the executive director of our national commission, Mr. John Edman of Minnesota.

Mr. Chairman, I wish to express to you our great appreciation for your willingness to hold hearings on the Mississippi River Corridor Study Act of 1990. The 10-State Mississippi River Parkway Commission has been working hard with the members of the House, the Senate, committee staff and other organizations and groups to make what we believe is a very effective and vital piece of legislation for the heartland of the United States.

The National Mississippi River Parkway Commission, as well as the individual state commissions, which make up our organization, all completely support the legislation before you today. Our 10 state commissions consist of governor's appointees, state legislators, local officials and state agency representatives from each of the 10 Mississippi River states.

I am also pleased to report to you that the House version of the Mississippi River Corridor Study Act, House Bill 2174, was approved by the U.S. House of Representatives on June 11, 1990. The House version of the bill is the identical piece of legislation before you today and was unanimously approved by the House with 71 original co-sponsors from Mississippi River region.

Senate Bill 2612, the Senate version of the Mississippi River Corridor Study Act, is also widely supported by members of the U.S. Senate. In fact, all 20 U.S. senators from the 10 Mississippi River states are now listed as co-sponsors of the Mississippi River Corridor Study Bill.

Since 1984, our organization has been working with a variety of public and private officials to develop a plan to provide a coordinated awareness of the resources of the Mississippi Valley to a National Heritage Corridor concept. Our ideas for a Mississippi River National Heritage Corridor haD been revised through the course of time, and we now have achieved what I believe is a very reasonable, forward-looking and effective approach to achieve a national awareness of the resources of the Mississippi River Valley.

The approach of the Mississippi River Corridor legislation introduced in this session of Congress is to learn as much as we can about the importance of the River Valley before any designation is enacted by Congress. We needed a coordinated federal, state and local effort to identify the resources of the River Valley and to uncover those opportunities that may exist for future awareness and development of the region.

We feel that the creation of a Heritage Corridor Commission is vitally needed because no organization currently exists which could undertake such a charge. The Mississippi River Parkway Commission is limited in its resources and funding and does not have a diverse involvement and the backing of the Federal Government, which this legislation provides.

It is vitally important that you realize that we are not intending to create a new Federal entity which would go beyond the life of this effort. We feel a Corridor Commission is necessary to undertake the study now, make recommendations to the Congress and to initiate a process where the cooperative effort can be realized for the benefit of the entire River Valley.

This Corridor Commission study approach has already proven successful with the recently completed Lower Mississippi River Delta Commission report, which included recommendation for increased tourism and economic development. The Heritage Corridor Act is consistent with these recommendations.

The potential outcome of designating the Mississippi River Valley as a National Heritage Corridor is an appropriate and much-needed management approach to enhance, preserve and increase the vitality of the resources of the Mississippi River Valley. A Mississippi River National Heritage Corridor approach allows for a balance or coordination of the resources of the River Valley, utilizing Federal, state and local resources and input, without traditional and costly Federal fee acquisition.

Finally, I would like to note that Federal funds for undertaking the Mississippi River Corridor Study efforts is extremely moderate when compared to other programs of similar size and scope. The authorization contained in this legislation of $500,000 per year for a three-year life of the Heritage Corridor Study Commission is a fiscally responsible investment, which will reap enormous benefits for the region and the Nation in the years to come.

Once again, Mr. Chairman, we appreciate your efforts in working with us on the Mississippi River National Heritage Corridor Study Act of 1990. On behalf of the entire Mississippi River states, we sincerely hope you will follow the lead of the House and enact this legislation into law this year.

[The prepared statement of Mr. Derbes follows:]

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Statement

of the

Mississippi River Parkway Commission

to the

Subcommittee on Public Lands, National Parks and Forests

of the

Committee on Energy and Natural Resources

U.S. Senate

June 26, 1990

Mr. Chairman, Members of the Committee:

My name is H. Dan Derbes and I am Chairman of the ten state Mississippi River Parkway Commission and a citizen of the state of Louisiana. With me today is the Executive Director of our National Commission, John Edman from Minnesota.

Mr. Chairman, I wish to express to you our great appreciation for your willingness to hold hearings on the Mississippi River Corridor Study Act of 1990. The ten state Mississippi River Parkway Commission has been working hard with members of the House, the Senate, committee staff, and other organizations and groups to make what we believe is a very effective and vital piece of legislation for the heartland of the United States.

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S 2612, the Senate version of the Mississippi River Corridor Study Act is also widely supported by members of the U.S. Senate. In fact, all 20 U.S. Senators from the ten Mississippi River states are now listed as original co-sponsors to the Mississippi River Corridor Study Bill.

Since 1984 our organization has been working with a variety of public and private officials to develop a plan to provide a coordinated awareness of the resources of the Mississippi River Valley to a National Heritage Corridor concept. Our ideas for a Mississippi River National Heritage Corridor has been revised through the course of time and we have now achieved what I believe is a very reasonable, forward looking and effective approach to achieve a national awareness of the resources of the Mississippi River Valley.

The approach of the Mississippi River corridor legislation introduced in this session of Congress, is to learn as much as we can about the importance of the River Valley before any Heritage Corridor designation is approved by Congress. We need a coordinated federal, state and local effort to identify the resources of the River Valley and to uncover those opportunities that may exist for future awareness and development of the region.

We feel that the creation of the Heritage Corridor Commission is vitally needed because no organization currently exists which could undertake such a charge. The Mississippi River Parkway Commission is limited in its resources and funding, and does not have the diverse involvement in the backing of the federal government which this legislation provides.

It is vitally important that you realize that we are not intending to create a new federal entity which would go on beyond the life of this effort. We feel that a Corridor Commission is necessary to undertake the study now, make recommendations to Congress, and to initiate a process where a cooperative approach can be realized for the benefit of the entire River Valley.

This Corridor Commission study approach has already proved successful with the recently completed Lower Mississippi River Delta Commission report. The Lower Mississippi River Delta Commission report included recommendations for increased tourism and economic development. The goals of the Heritage Corridor Study Act are consistent with these recommendations.

The potential outcome of designating the Mississippi River Valley as a National Heritage Corridor is an appropriate and much needed management approach to enhance, preserve and increase the vitality of the resources in the Mississippi River Valley. A Mississippi River National Heritage Corridor approach allows for a balanced coordination of the resources of the River Valley, utilizing federal, state and local resources and input, without traditional and costly federal fee acquisition.

Finally, I would like to note that federal funds for undertaking the Mississippi River Corridor Study efforts is extremely moderate when compared to the other programs of similar size and scope. The authorization contained in this legislation of $500,000 dollars per year for the three year life of the Heritage Corridor Study Commission is a fiscally responsible investment which will reap enormous benefits for the region and the nation in the years to come.

Once again, Mr. Chairman, we appreciate your efforts in working with us on the Mississippi River National Heritage Corridor Study Act of 1990. On behalf of the entire Mississippi River states, we sincerely hope that you will follow the lead of the House and enact this legislation into law this year.

Respectfully submitted,

H. Dan Derbes, Chairman
Mississippi River Parkway Commission

Senator AKAKA. Thank you very much, Mr. Derbes, for your testimony. I should tell you that Chairman Johnston and Senator Bumpers are both co-sponsors of this bill.

As you just heard the bells, we have a vote call, which is 15 minutes. Now, if we can take the rest of the time, except for five minutes, and ask the three of you to summarize your statements, we can be through. Otherwise, we will have to wait until I come back again. Is that all right?

The the next one is K.C. DenDooven.

STATEMENT OF K.C. DenDOOVEN, CHAIRMAN, RED ROCK CANYON INTERPRETIVE ASSOCIATION

Mr. DENDOOVEN. Good afternoon, Senator. I had prepared a statement, which of course you have copies of, and so I will just summarize. I am here as a businessman in Las Vegas, Nevada. I am also Chairman of the Red Rock Canyon Interpretive Association, and I am also a member of the Friends of Red Rock Canyon.

Frankly, this is land that is unique. It is a 30 minutes' drive from a major city, and yet totally untouched. Things that you cannot find around that close to the proximity of almost any city in the United States. Red Rock Canyon is very important to the visitor who comes to Vegas, because it extends their stay, which in terms becomes important to the businessman, school children. I believe there were 5,000 school children went out to the valley last year and used it as an outdoor classroom to better understand nature.

This Red Rock Canyon is part of the Mojave Desert area, the upper end of it, which is very close to the Great Basin desert area, and of course, Congress—Senate, House—passed the bill on the Great Basin National Park, so it has an ecological tie-in there.

Of course, the Red Rock Canyon is under the Bureau of Land Management now, but it does need, absolutely, the more solid protection that a Conservation Area designation would provide. We are all very familiar with national park areas. To me, this change of designation is like taking it from a national monument area into a national park status.

And just in closing, I think it is important that the land be preserved. I mean, I understand there are some water right and mineral right things. Frankly, I am not any expert on those matters. What is essential is that the surface of the land, the way nature built it and the way that it put it together is preserved so all generations can.

[The prepared statement of Mr. DenDooven follows:]

K.C. DenDooven 06/26/90
Washington, DC

Good Afternoon Senators

I appreciate the opportunity to be here to talk about establishment of the Red Rock Canyon National Conservation Area, an area just outside Las Vegas, Nevada -- under the jurisdiction of the Bureau of Land Management.

Red Rock Canyon is a beautiful, dynamic area - well worth your support. I was raised near Boston. Back then I would have looked at Red Rock Canyon as barren desolate rocks surrounded by dried up weeds. Now I know better.

Today I am here as Chairman of the Red Rock Canyon Interpretive Association. Having lived in Las Vegas for the last 21 years I do appreciate the desert as intricate land where all forms of life interact -- truly a living desert.

As described in a recent book on Red Rock Canyon, copies of which I have brought for the committee, it is, today, 62,000 acres of land -- virtually untouched. This acreage is being expanded to 83,000 acres, in the proposed bill. Red Rock Canyon looks just as nature established it through the ages. The area needs stronger protection than the present Recreation Land designation provides.

Las Vegas, Nevada -- as you probably know, is the fastest growing city in the United States. Imagine gentlemen, from where you're sitting -- in less than 30 minutes by car -- the possibility of going to an area that looks just as the Indians saw it -- just as the pioneers on the Old Spanish Trail saw it in the early 1800's. How much of America is left today -- untouched -- within 30 minutes of a modern city?

We can keep an area untouched by not letting anybody in! But what's the point of that? Beauty is in the eye of the beholder. Red Rock Canyon is beautiful and is important - to whom?

The Visitor -- Las Vegas draws millions of people each year. The visitation to Red Rock Canyon is over 600,000 -- and increases every year. By the way, that's just about the population of Las Vegas.

K.C. DenDooven 06/26/90
Washington, DC

The Resident -- Red Rock Canyon draws our local residents too. Over 5,000 school children went there last year on field trips. Teachers show our kids just how the balance of life works in the desert - an outdoor classroom in Las Vegas' backyard.

The Local Economy -- People who come to Las Vegas do take extra days to see the area. Hoover Dam under the jurisdiction of the Bureau of Reclamation; Lake Mead under the jurisdiction of the National Park Service; Valley of Fire, a Nevada State Park; the Toiyabe, an area under the Forest Service; all add to the intrigue of the Las Vegas scene. But, -- Red Rock Canyon is actually the closest to Las Vegas, both in distance and in driving time.

Just having a pleasant, relaxing experience is reason enough for establishing the Red Rock Canyon National Conservation Area. 100 people could go out there -- and see and enjoy it in 100 different ways.

Some go to do technical mountain climbing -- some study the unique geologic formations -- a lot go out in bicycle groups. There's well preserved Indian rock writing -- 25 feet from picnic tables! The area abounds with Bighorn Sheep -- it's not uncommon to look up and see several, peering down at us visitors.

I could add a lot more details about the diversity of history and present day activity -- but, Red Rock Canyon does offer something of interest to just about everyone.

The desert itself is exciting. Red Rock Canyon is at the northern edge of the Mohave Desert and close to the southern edge of the Great Basin Desert. This gives the Red Rock Canyon National Conservation Area an ecological tie-in to Nevada's new national park, Great Basin National Park -- which Congress established just last year.

Today at Red Rock Canyon, the Bureau of Land Management is establishing bold new frontiers in its management of the land. We have the BLM's first Visitor Center and its first comprehensive interpretive program. The Red Rock Canyon Interpretive Association is a non-profit organization dedicated to helping the Bureau of Land Management explain the area to the public. Ours is the first Association specifically for a BLM area. The book that I am leaving with you is the first book on a specific BLM area. This winter there will be a new video -- just on Red Rock Canyon. All of this is to help the public better understand and appreciate this beautiful land. These are pioneering programs in a pioneering land.

As Senator Reid said in the bill he and Senator Bryan are sponsoring: "Red Rock Canyon is a crown jewel of the public lands administered by the BLM". Indeed it is.

What needs to be done? The land is presently designated as a "Recreation Land" under the BLM. It needs a stronger protection. We need to be sure it will be the way nature sculptured it -- for decades - -- for perpetuity. So, the first step is to enact this legislation.

Next, we'll need a plan -- and that's the BLM's job.

Then we need the funds to do the job -- that's up to you and The House to authorize -- and up to me and the rest of us taxpayers to pay for! It will be well spent money. Buying into land protection like this is really buying "futures"! Futures that will last -- and last.

I know the Bureau of Land Management people who manage and operate Red Rock Canyon. They are very dedicated people. I call tell you from first hand knowledge that they make very efficient use of our tax dollars.

Red Rock Canyon provides a place where we can all go back to see how nature presented this country to us -- even before the American Indians arrived.

In conclusion, speaking as an individual -- I truly enjoy the beauty of the desert. As a businessman, I know that a place like Red Rock Canyon is just as important as an industrial operation, a commercial amusement park, a defense facility, or a major university. Each fits into the master plan.

I ask you to work out the details to pass this bill and provide the protection that Red Rock Canyon needs. We need to protect the scenic integrity -- it is important to all of us. Even if you gentlemen can't visit the area today -- wouldn't it be nice to be the people who provided for this land to be available for everybody tomorrow -- next year -- and the next century.

Thank you for your time.

Senator AKAKA. Thank you very much for your summary.

Mr. DENDOOVEN. I would like to just add one thing, sir. I have been at Kalaupapa myself and walked around there, and what you are doing to preserve that is very, very wonderful, because it represents a unique part of American history.

Senator AKAKA. Thank you very much.

Mr. DENDOOVEN. I suspect not even all the Hawaiians fully understand the Kalaupapa story. I appreciate it.

Senator AKAKA. Thank you, Mr. DenDooven.

Trenton Davis.

STATEMENT OF TRENTON DAVIS, DIRECTOR, MARIPOSA COUNTY DEVELOPMENT CORP.

Mr. DAVIS. Thank you, Mr. Chairman. I am here today in opposition to S. 2555. To summarize, this segment represents the only remaining stretch along this entire river corridor that could be available for future water development. Positive environmental, social and economic benefits could be derived from the development of this water resource.

My county, Mariposa County, is one of the poorest counties in the state of California. It relies heavily on state and Federal assistance to provide services for our residents. The State of California, in 1956, reserved 112,000 acre-feet water right for Mariposa County to develop its agricultural interests, and if the Wild and Scenic designation goes through on this last remaining section of the river, Mariposa County will never be able to benefit from that water resource or these agricultural lands.

I am here today to ask you to please consider holding this bill in committee until an adequate and comprehensive analysis of this loss of this water resource has been completed.

Thank you.

[The prepared statement of Mr. Davis follows:]

MARIPOSA COUNTY DEVELOP. CORP.
CITIZENS FOR PROGRESS AND FREE ENTERPRISE

MR. CHAIRMAN, HONORABLE MEMBERS OF THE COMMITTEE:

My name is Trenton Davis, and I represent the Mariposa County Development Corporation. I am here today to testify in opposition to S2555, "A Bill" to amend the Wild & Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild & Scenic Rivers System.

This segment represents the only remaining stretch along the entire river corridor available for future water development. Through Section 3 (a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274 (a)), 114 miles of the Merced River and Southfork of the Merced have already been designated Wild & Scenic.

I believe this last remaining 8-mile section should be utilized to meet a predictable demand for hydroelectric power, additional water storage space and recreation facilities.

Positive environmental, social and economic benefits could be derived from developing this valuable water resource. Sales of power from a hydroelectric facility and uses of water from additional storage facilities could produce millions of dollars in income annually.

Hydroelectric energy, of course, is recognized as the cleanest form of energy. Unlike coal, gas or nuclear-operated facilities, a hydroelectric plant produces no pollution. There is no threat of oil spills or radiation and no consumption of non-renewable resources.

Here are the figures from a feasible water development concept: 755,000 acre feet of water storage; $32 million annually in power sales; $5 million a year from sales of water and the potential to power pollution-free transportation systems in Yosemite National Park and major cities in the central San Joaquin Valley.

Equally important would be an increased capacity to store and transfer water in high runoff periods. This could make it possible to put 20,000 acres of Mariposa County grasslands into agricultural production. Of these, 75 percent could be planted to trees and vines -- apple, pear, almond, walnut, wine grapes -- and the remaining 25 percent to field crops such as tomatoes, celery, lettuce, hay and alfalfa. Estimated value of this production is $40 million a year.

Recreation users would benefit from 3,700 surface acres of reservoirs and a network of new trails along the Merced River Canyon for hikers, mountain bikers and horseback riders. Income from recreation sources could reach $37 million annually.

My county -- Mariposa County -- is one of the poorest counties in the state of California. It relies heavily on state and federal assistance to provide services for residents.

A water right reservation of 112,000 acre feet was set aside on the Merced River in 1956, by the California Water Resources Control Board, to allow Mariposa County to expand its agricultural base. County officials, up to now, have fought vigorously to protect this option.

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The remaining section of the Merced River represents the last opportunity for Mariposa County to develop water resources and these agricultural lands.

The vital importance of adequate water storage is clearly indicated by the experience of the nearby Merced Irrigation District. In the past three dry years, water deliveries have been cut by 25, 37 and 50 percent because of a storage lack. This, coupled with the fact that Merced County's population is expected to more than double in the next 20 years, demonstrates the need for additional storage.

My vision for Mariposa County is one of a self-supportive, diversified economy. However, the Wild and Scenic Designation effectively sullies this vision. Who will compensate Mariposa County for losses to our economy and our resource base? Is the federal government willing to earmark $114 million to this county yearly for compensation?

Please consider holding this bill in committee until an adequate and comprehensive analysis of the loss of this water resource has been completed.

Thank you for allowing me to address this committee and voice my opinion on this issue.

Senator AKAKA. Thank you very much, Trenton Davis.
Don Hellmann.

STATEMENT OF DONALD J. HELLMANN, THE WILDERNESS SOCIETY

Mr. HELLMANN. Mr. Chairman, I will be very brief. I just want to express the support of the Wilderness Society for S. 2555, the bill to designate the lower eight miles in the Merced River as wild and scenic.

We believe that this legislation does address the water needs of Mariposa County because it allows for the Saxon Creek Project, which has been created by the Board of Supervisors of Mariposa County, and in turn, they have unanimously endorsed the legislation that is before you today.

We ask only that there be one amendment to the bill, a suggestion that the North Fork of the Merced River be created as a study river under the Wild and Scenic River System. The draft Stanislaus National Forest Plan has a recommendation for their half of the North Fork to be declared wild and scenic, but the BLM section has not yet been studied. The amendment will allow a study of that area.

We have also suggested in our testimony three instances where we would like to see some report language. You can see my statement for those instances.

And before I end, I would like to submit three statements in support of this legislation from the Merced Canyon Committee, Friends of the River in California and the Sierra Club in California.*

Thank you.

[The prepared statement of Mr. Hellmann follows:]

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* Statements appear in Appendix II.

THE WILDERNESS SOCIETY

STATEMENT OF DONALD J. HELLMANN, THE WILDERNESS SOCIETY, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, JUNE 26, 1990, ON S. 2555, LOWER MERCED WILD AND SCENIC RIVER BILL.

Mr. Chairman:

I appreciate the opportunity to appear before you today to express the strong support of The Wilderness Society for S. 2555, a bill to designate the lower eight miles of the Merced River in California as a component of the National Wild and Scenic Rivers System.

Just three years ago, Congress designated 71 miles of the main stem of the Merced, and 43 miles of the South Fork as wild and scenic rivers. At the time this legislation was being considered, The Wilderness Society supported the designation of the lower eight miles; however, concerns about future water supplies for residents of Mariposa County precluded immediate designation. Instead, Congress agreed to study this part of the river to allow the county time to explore future water options.

Mariposa County has now approved and is moving forward with a water project that will be consistent with the Wild and Scenic Rivers System. The Saxon Creek project will allow the county to draw a maximum of seven cubic feet per second from the river - an amount permitted under the Wild and Scenic Rivers Act. This withdrawal will not harm the flow of the river.

The Mariposa County Board of Supervisors voted unanimously last month to support designation of the lower river. We have worked closely with them, the Bureau of Land Management, and members of Congress in the drafting of the bill before you today.

Along with the wild and scenic designation of the lower eight miles of the river, we support the withdrawal from mineral entry of the segments of the river covered by this legislation and the 1987 legislation. This withdrawal will allow better management of the river's resources by BLM through the use of a permit system and will help to resolve conflicts with other recreational activities.

The Wilderness Society suggests one amendment to the bill. We request language be included to authorize a study of the North Fork of the Merced River for future designation as a wild

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and scenic river. This river is approximately 15 miles long and flows through the Stanislaus National Forest and BLM land. There is only one private parcel of land along its course.

The draft Stanislaus National Forest plan calls for the national forest portions of the North Fork (approximately 50%) to be designated as wild and scenic. However, BLM has not studied its half of the river. A provision to require a study of the North Fork would allow consideration of the whole length of the river for designation in the future.

In addition to this amendment we suggest committee report language addressing three issues. First, concern has been expressed that the designation of the last four miles of the river as "wild" would preclude the possibility of considering the development of rail access along the river to carry passengers between Merced, California and Yosemite National Park. While The Wilderness Society supports retaining the option to consider rail transportation to Yosemite, the present feasibility of such a railroad is speculative at best. Report language could clarify that if the railroad concept ever becomes viable and appropriate, Congress could revisit the classification of the lower four miles to accommodate the rail project.

Second, the Merced Irrigation District fears that the designation of the lower river would interfere with its operation of the New Exchequer dam. This issue comes about only because under extreme circumstances, water can back up from the dam into the lower mile and a half of the designated river. MID is concerned that when it goes to the Federal Energy Regulatory Commission for renewal of its license in 2014, the environmental community will object to water backing up into the designated river segment and thus get FERC to require MID to lower the dam.

Mr. Chairman, neither you nor I can control the weather and/or floods. When these extreme circumstances take place, there is nothing anyone can do to stop them. We do not intend to have this designation affect MID's current operations. We suggest report language clarifying this. Please note we are speaking of the size and operation of the dam as it currently exists. We would not want FERC to permit MID to expand the dam in any way that would back water up into the wild and scenic stretch during normal operations.

Third, as I noted above, we support the Saxon Creek project of Mariposa County as currently planned - with a maximum withdrawal from the river of seven cubic feet per second. We suggest report language confirming this maximum withdrawal level. This would preclude the county from enlarging the project at some future time to the point where it could adversely affect the flows in the river.

The Merced River is a special place for many residents of California and across the country. From its origin high in

Yosemite National Park it flows through some of the most scenic areas found in our land. The protection of the lower eight miles of the river will complement the actions taken by Congress three years ago to preserve this magnificent resource. We are pleased to work with you on this legislation, and urge the committee to give it favorable consideration.

Should you have any questions, I would be happy to answer them.

Senator **Akaka**. We will include those statements in the record.

Well, gentlemen, I thank the panelists very much for your cooperation and for your testimony. Thank you very much.

The subcommittee stands adjourned.

[Whereupon, at 3:15 p.m., the hearing adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, August 30, 1990.

Hon. DALE BUMPERS,
Chairman, Subcommittee on Public Lands, National Parks and Forests,Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This is in response to your letter of July 10, 1990, in which you submitted questions as a followup to the June 26, 1990, hearing before the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, on S. 2464, a bill to establish the Red Rock Canyon National Conservation Area, and S. 2555, a bill to designate the Lower Merced river as a component of the Wild and Scenic Rivers System.

We are pleased to enclose responses to the questions submitted to us.

Thank you for the opportunity to provide this material for inclusion in the official hearing record.

Sincerely,

SUSAN RECCE LANISON,
Acting Deputy Director.

[Enclosure]

QUESTIONS AND ANSWERS RELATED TO S. 2464, REGARDING RED ROCK CANYON NATIONAL CONSERVATION AREA

Question 1: What are the locations of any valid and existing rights? Are any currently being developed?

Answer: Valid and existing rights in the proposed Red Rock Canyon National Conservation Area (RRCNCA) consist of State lands, private lands and mining claims. Private inholdings are concentrated in two areas within the proposed RRCNCA, Calico Basin in the north-central area and Blue Diamond/Bonnie Springs area in the south-central portion of the proposed RRCNCA. The discussion on the private inholdings is followed by detailed breakdown of valid mining claims within the proposed RRCNCA.

Private lands within the proposed boundary:

Bonnie Springs/Old Nevada (within T.22S., R.58E., sec. 2) Approximately 200 acres of land. The area has been developed for commercial uses and includes a replica of an old western style town, restaurant, motel units, riding stables and additional development.

Oliver Ranch (within T.22S., R.58E., secs. 1, 2, and 12) A private residence and small ranch of approximately 240 acres.

Blue Diamond (within T.22S., R.59E., sec. 7) A small community on approximately 145 acres consisting of private residences, a small store, an elementary school and apartments.

Calico Basin (within T.21S., R.59E., sec. 6) Approximately 295 acres of private residences. Some private landowners in Calico Basin have expressed an interest in transferring ownership of selected parcels to the BLM through exchange or purchase.

Calico Basin (within T.21S., R.58E., sec. 1) Approximately 80 acres in private ownership. One 40 acre parcel has been offered to the BLM for purchase or exchange; another private parcel, approximately 40 acres, was patented to the Girl Scouts of America under the Recreation and Public Purposes Act.

Desert Sportman's Range (within T.21S., R.59E., sec. 3 and sec. 10) Approximately 480 acres which was patented under the Recreation and Public Purposes Act for use as a shooting range.

State of Nevada lands within the proposed boundary:

State of Nevada, Spring Mountain Ranch State Park (within T.22S., R.59E., sections 2 and 3; T.21S., R.59E., sections 34 and 35) Nevada Division of State Parks manages historic and recreation properties on approximately 520 acres.

State of Nevada, Spring Mountain Ranch State Park (within T.21S., R.59E., sec. 16) This isolated 80-acre parcel of land is owned by the Nevada Division of State Lands and is located at the entrance to Pine Creek Canyon, surrounded by Red Rock Canyon Recreation Lands. It is presently managed by the Bureau of Land Management (BLM) under a cooperative agreement and has been identified by the BLM for purchase or exchange if the State is interested.

Mining claims inside the proposed Red Rock Canyon NCA boundary:

The eighteen mining claims, listed below, are within the boundaries of the proposed RRCNCA. Seven of the claims, dating from 1943 and 1958, are within the current Red Rock Canyon Recreation Lands boundary. There has been no activity on these claims to date.

Claim	Located	Location		
		Twsp.	Rng.	Section
Stone of LaMadre A	5/5/89	20 S.	59 E.	SW¼ sec. 8
Stone of LaMadre B	5/5/89	20 S.	59 E.	W½ sec. 8
Stone of LaMadre 1	5/5/89	20 S.	59 E.	NE¼ sec. 17
Stone of LaMadre 2	5/5/89	20 S.	59 E.	NW¼ sec. 17
Stone of LaMadre 3	5/5/89	20 S.	59 E.	SW¼ sec. 17
Charlette	5/1/89	21 S.	59 E.	N½ sec. 4
Daisy Bell #1	4/6/88	21 S.	59 E.	SE¼ sec. 19
Copper Hill 5	7/1/43	22 S.	58 E.	SE¼ sec. 18
Copper Hill 6	7/1/43	22 S.	58 E.	SE¼ sec. 18
Copper Hill 4	7/1/43	22 S.	58 E.	NE¼ sec. 20
Potosi #3	2/16/58	22 S.	58 E.	NW¼ sec. 28
Potosi #2	2/16/58	22 S.	58 E.	E½ sec. 33
Potosi #4	2/16/58	22 S.	58 E.	N½ sec. 33
Potosi #1	2/16/58	22 S.	58 E.	W½ sec. 34
NN 19	10/4/70	23 S.	58 E.	S½ sec. 9
NN 20	6/9/81	23 S.	58 E.	SE½ sec. 9
Klenie #1	5/25/38	23 S.	58 E.	SW¼ sec. 11
Rock 1	2/8/88	23 S.	58 E.	SW¼

Question 2: Section 201(b) does not specifically refer to the Wilderness Act. Does this indicate that the Secretary shall do a different type of study than he would do pursuant to the Wilderness Act? Have these areas already been subject to a study? If so, what is the status?

Answer: All lands within the proposed RRCNCA were reviewed for potential inclusion in the National Wilderness Preservation System (NWPS) under Section 603 of the Federal Land Policy and Management Act of 1976. Two areas were identified for additional study, Pine Creek (NV-050-414) and LaMadre Mountain (NV-050-412) wilderness study areas (WSA). Both areas were reviewed in the Clark County Wilderness Final Environmental Impact Statement (1985). Portions of both NWSAs are recommended by the BLM Nevada State Director as suitable for inclusion in the NWPS. His recommendations on these areas were forwarded to this office in July, 1990. They are presently being reviewed and we anticipate that our proposal will be forwarded to the Secretary of the Interior in October, 1990. The Secretary should make his recommendations to the President in early FY91, whereupon the President has two years to forward his recommendation to Congress. No deviation from the Bureau's wilderness review process is required or recommended and no further wilderness review is required.

Question 3: In reference to section 202(b)(2), aren't all waters in the State of Nevada owned by the State of Nevada and rights adjudicated by the State?

Answer: As with many western states, Nevada has adopted the prior appropriation system for water use and acquisition. In Nevada, all sources of water supply belong to the public. Nev. Rev. Stat. § 533.025. Although there is no private ownership of the water itself, the state grants individuals the right to appropriate the use of water. This appropriative water right is a real property interest which may, pursuant to state water law, be sold and conveyed separate from the land to which it was first applied. The water right is sold by means of a water deed. Nevada adjudicates rights to water pursuant to Chapter 533 of Title 48 of the Nevada Revised Statutes.

Question 4: In reference to Section 202(b)(3), what is meant by "federal water"? Does this refer to "water rights"? Is there any other way of obtaining water rights other than by state process?

Answer: Section 202(b)(3) states that "Federally-owned . . . waters or interest therein" within the conservation area can be transferred out of federal ownership only in connection with an exchange with the State of Nevada or a political subdivision thereof. While the reference is not clear, it appears that "Federally-owned waters" is a reference to the water rights that the United States has obtained or will obtain for its lands within the designated conservation area. As to obtaining water rights other than by the state process, please see our response to question 6.

Question 5: Once the Secretary obtains a water right, must he apply for a change in use under state law? Is he bound by state law?

Answer: For water rights obtained by the federal government pursuant to state law, the Secretary must comply with all state laws and regulations governing change of use.

Question 6: Why are we preempting state law? For what purposes are we reserving water? Why can't this be obtained under state law?

Answer: Section 206 of the proposed legislation states: "Congress expressly reserves to the United States the amount of water reasonably required to carry out the purposes for which the conservation area is established under this Act." The proposed language does not explain why Congress in this instance has chosen to expressly reserve water to meet the purposes of the conservation area rather than defer to state water law. It does state that water is being reserved for the purposes for which the conservation area is being established. These purposes are therefore governed by this legislation creating the conservation area. Section 101(a)(1) sets out these purposes. As to obtaining water rights for the conservation area under state law if a federal reserved water right was not established, the United States would be able to apply for rights for any purposes that are considered under state water law to be beneficial uses, but might not be granted such right if other parties can prove prior appropriation of the water supply.

Question 7: What are the existing Federal water rights?

Answer: BLM presently has a State water right permit for the well at the visitor center and has filed an application to receive a water right certificate. This permit is the only water right held by BLM in the RRCNCA at this time.

Question 8: Does the BLM have a state water right for the well at the visitor center? Are additional rights needed? Could they be obtained under State law?

Answer: BLM currently possesses a water right permit for the visitor center well. BLM has filed a "Proof of Beneficial Use" form and will be receiving a water right certificate from the State Engineer. BLM is preparing to file on some specific springs for 50% or more of the water rights for recreation, wildlife and wild horse and burro use. Additional applications for water rights will be filed when needed and can be obtained under State law unless other parties can prove prior appropriation of such water supply.

Question 9: In regards to catchments: Where are they? What are they for? Who owns the rights? Would this legislation interfere with a change in use for those rights? What did the Spring Mountain Ranch apply for? Did they obtain a water right?

Answer: The catchments referred to in the list of water sources in the proposed Red Rock Canyon National Conservation Area are naturally occurring ephemeral water pockets, also called tanks or by the Spanish word "tinaja," which were formed by erosion of the Aztec Sandstone. These catchments occur in many scattered locations in the sandstone stratas; provide seasonal water for bighorn sheep, other mammals, and many varieties of birds; and offer hikers interesting places to explore. Many of the catchments are located near the peaks of sandstone formations such as on the top of the 7000 foot Bridge Mountain. In a dry year, a catchment may dry up completely due to the lack of rain, coupled with the high evaporation rates found in the desert. No water rights exist on any of the catchments, and there would be no prior existing right with regards to the catchments.

Spring Mountain Ranch, Nevada Division of State Parks, has water rights to the following springs which were obtained when the State of Nevada purchased the Spring Mountain Ranch in 1972: Sheep Spring, LaMadre Spring, Willow Spring, Ash Creek, Little Creek, Oak Creek Spring, Heart Spring, Bootleg Spring, Mud Spring #1 and Mud Spring #2. Some of the above are filed under the names of the previous owners of the historic ranch property.

The following table identifies all known water sources and catchments within the proposed Red Rock Canyon National Conservation Area and any associated water rights.

Source name	Discharge	Legal description	Water rights
Clay Bank Spring No. 2.	6.00 gpm	T.20S., R.57E., Sec. 25 NW SW.	None
Unnamed Spring.	0.25 gpm	T.20S., R.57E., Sec. 36 SE NW.	None
Sheep Spring	5.50 gpm	T.20S., R.57E., Sec. 36 SW SW.	State of Nevada, Div. of Parks (0.0046 cfs) Cert. No. 10074
Unnamed Spring.	0.25 gpm	T.20S., R.57E., Sec. 36 NE SE.	None
Unnamed Spring.	0.10 gpm	T.20S., R.57E., Sec. 36 NE SE.	None
South Fork Spring.	17.5 gpm	T.20S., R.57E., Sec. 36 SE SE.	None
D.J. Spring	0.10 gpm	T.20S., R.58E., Sec. 18 NW SW.	None
Unnamed Spring.	0.00 gpm	T.20S., R.58E., Sec. 19 SW SW.	None
Bownstone Reservoir.		T.20S., R.58E., Sec. 23 NE SE.	None
Natural Catchments(2).		T.20S., R.58E., Sec. 25 SW NE.	None
Natural Catchment.		T.20S., R.58E., Sec. 25 NE SW.	None
Unnamed Spring.	0.10 gpm	T.20S., R.58E., Sec. 29 NW.	None
LaMadre Spring	20.0 gpm	T.20S., R.58E., Sec. 29 SE NW.	State of Nevada, Div. of Parks (0.025 cfs) Cert. No. 10075
Unnamed Spring.	0.00 gpm	T.20S., R.58E., Sec. 30 SW SW.	None
Willow Spring	0.35 gpm	T.20S., R.58E., Sec. 33 SW SW.	Vera Krupp Von Bohlen/Halbach, Cert. No. 66
Natural Catchment.		T.20S., R.58E., Sec. 35 NE NE.	None
Natural Catchment.		T.20S., R.58E., Sec. 36 NW SW.	None
Natural Catchment.		T.20S., R.58E., Sec. 36 NW SW.	None
Natural Catchment.		T.20S., R.58E., Sec. 36 SW SW.	None
Natural Catchment.		T.20S., R.58E., Sec. 36 SE SW.	None
Unnamed Springs.	4.25 gpm	T.21S., R.57E., Sec. 1 NW NW.	None
Unnamed Springs(2).	0.10 gpm	T.21S., R.57E., Sec. 1 NW SE.	None
Unnamed Spring.	2.25 gpm	T.21S., R.57E., Sec. 12 SW NE.	None
South Spring	0.10 gpm	T.21S., R.57E., Sec. 25 SE SW.	None

Source name	Discharge	Legal description	Water rights
Ash Creek Spring.	0.10 gpm	T.21S., R.58E., Sec. 1 NW NE.	M. Wollman and Hayward Mulligan (0.01 cfs) Cert. No. 10338
Little Creek Spring.	0.10 gpm	T.21S., R.58E., Sec. 1 SE NE.	State of Nevada, Div. of Parks (0.024 cfs) Permit No. 30542
Lost Creek Spring.	15.0 gpm	T.21S., R.58E., Sec. 4 NW NW.	None
Icebox Canyon Catchments.		T.21S., R.58E., Sec. 4 SE SE.	None
Unnamed Spring.	2.00 gpm	T.21S., R.58E., Sec. 6 SE NW.	None
Lone Pine Spring.	1.50 gpm	T.21S., R.58E., Sec. 7 NW NW.	None
Switchback Spring.	3.00 gpm	T.21S., R.58E., Sec. 8 NW NW.	None
Unnamed Spring.	3.50 gpm	T.21S., R.58E., Sec. 8 SE NW.	None
Natural Catchments(2).		T.21S., R.58E., Sec. 8 SE SW.	None
Box Canyon Spring.	1.50 gpm	T.21S., R.58E., Sec. 9 NW NW.	None
Red Rock Vis. Cntr. Well.	0.64 gpm	T.21S., R.58E., Sec. 12 SE SE.	U.S.D.I. Bureau of Land Management (0.0014 cfs) Permit No. 36779
Oak Creek Spring.	15.0 gpm	T.21S., R.58E., Sec. 21 SW SE.	State of Nevada, Div. of Parks (0.025 cfs) Permit No. 30569
First Creek Spring.	10.0 gpm	T.21S., R.58E., Sec. 33 NE SE.	None
Calico Spring	0.20 gpm	T.21S., R.59E., Sec. 6 NW SW.	Unknown
Red Spring	8.00 gpm	T.21S., R.59E., Sec. 6 SE SW.	Unknown
Heart Spring	0.10 gpm	T.22S., R.58E., Sec. 3 SW NW.	Vera Krupp (0.05 cfs) Cert. No. 6664
Sandstone Seep No. 2.	0.10 gpm	T.22S., R.58E., Sec. 5 NE NE.	None
U Sandstone Spring.	0.10 gpm	T.22S., R.58E., Sec. 5 NW SW.	None
Rainbow Spring	0.00 gpm	T.22S., R.58E., Sec. 7 SE NE.	None
Bootleg Spring	0.50 gpm	T.22S., R.58E., Sec. 7 NE SE.	State of Nevada, Div. of Parks (0.0023 cfs) Cert. No. 10053
Point Spring No. 2.	10 gpm	T.22S., R.58E., Sec. 10 NW NE.	None
Sandstone Spring No. 2.	6.00 gpm	T.22S., R.58E., Sec. 14 NE NE.	Unknown
Mud Spring No. 1.	0.20 gpm	T.22S., R.58E., Sec. 14 NE SW.	State of Nevada, Div. of Parks (0.0003 cfs) Cert. No. 10052
LM Spring	0.00 gpm	T.22S., R.58E., Sec. 14 NE SW.	None
Unnamed Spring.	0.10 gpm	T.22S., R.58E., Sec. 15 SE NE.	None
Red Rock Seeps(2).	0.10 gpm	T.22S., R.58E., Sec. 15 NW SE.	None
Unnamed Spring.	0.10	T.22S., R.58E., Sec. 16 NE NE.	None
Moonshine Spring.	2.00 gpm	T.22S., R.58E., Sec. 22 SW NE.	None

Source name	Discharge	Legal description	Water rights
Red Rock Seeps(2).	2.00 gpm	T.22S., R.58E., Sec. 22 NE NW.	None
Lone Grapevine Spring.	10.0 gpm	T.22S., R.58E Sec. 22 SW.	None
Mud Spring No. 2.	1.50 gpm	T.22S., R.58E., Sec. 23 NW NE.	State of Nevada, Div. of Parks (0.001 cfs) Permit No. 30560
Wheeler Camp Spring.	18.0 gpm	T.22S., R.59E., Sec. 7 NE NE.	None

Question 10: Is it your intent to permit condemnation of private property within the exterior boundaries of federally administered areas? Do you foresee condemnation being necessary?

Answer: It is not our intent to use condemnation procedures for the acquisition of private lands. Acquisition would only be initiated through negotiated purchase or exchange. However, condemnation should not be ruled out if necessary for the acquisition of right-of-way easements for utilities.

Question 11: What is the site in Brownstone Canyon listed on the National Register of Historic Places?

Answer: Brownstone Canyon Archaeological District is located on public land managed by BLM. The district consists of a complex of historic and prehistoric archaeological features. Brownstone has some of the most complex and colorful rock art panels in the Great Basin, featuring numerous painted designs and pecked petroglyph motifs. More than a dozen roasting pits, prehistoric "Dutch Ovens" used to cook the root of the toxic agave plant, are distributed within the canyon. The users of the canyon cooked and slept in caves or rockshelters. Although use of southern Nevada dates prior to 10,000 years ago, most utilization of Red Rock Canyon and Brownstone Canyon's resources occurred within the past 2,000 years. Many of the rock art elements are attributed to the Virgin Anasazi, farmers from the Moapa Valley who camped in Red Rock about A.D. 1000. Other users of Brownstone were the Lower Colorado peoples from the area around present-day Laughlin, and the ancestors of the contemporary Paiute who utilized southern Nevada within the past millennium and perhaps up to 5,000 years ago. In the 1930's the Civilian Conservation Corps constructed a dam in the apex of the canyon, an historic structure that yet holds water.

QUESTIONS AND ANSWERS RELATED TO S. 2555, REGARDING THE LOWER MERCED RIVER

Question 1: Are there any inholdings?

Answer: There are five inholdings within the proposed Wild and Scenic River System. Two separate five-acre parcels are located next to the highway at the Briceburg Bridge. One parcel is currently for sale. BLM has held discussions with both property owners; neither one has opposed the designation. Further down river, the Merced Irrigation District owns two 40-acre parcels and is currently negotiating an exchange with BLM. The Mountain King Mine is privately owned by Bill Imhoff and Hildy Heidt. It is down river from Briceburg near Hall's Gulch.

Question 2: Is the Saxon Creek Project consistent with the uses under the Wild and Scenic Rivers Act?

Answer: The Saxon Creek Project is consistent with the uses under the Wild and Scenic Rivers Act. Section 7(a) of that Act sets the test for uses on a wild and scenic river as to whether it has any direct adverse impact. For the Saxon Creek Project, the answer is no.

APPENDIX II

Additional Material Submitted for the Record

Merced Canyon Committee
P.O. Box 152, El Portal, California 95318

STATEMENT OF THE MERCED CANYON COMMITTEE
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
OF THE UNITED STATES SENATE

HEARING ON S. 2555

June 26, 1990

STATEMENT OF THE MERCED CANYON COMMITTEE

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

HEARING ON S. 2555

June 26, 1990

Mr. Chairman and members of the Subcommittee,

As Chairman of the Merced Canyon Committee I am asking you to support S. 2555 and to seek a speedy passage of that measure. Section One of this bill represents the culmination of our efforts, initiated in 1983, to protect the Merced River watershed from new hydroelectric projects. It does this by designating the Lower Merced River as a component in the National Wild and Scenic River System. We are delighted to see our dream so close to becoming reality!

The Bureau of Land Management has done an excellent job to date in their administration of the lower eight miles of the Merced River. Their Merced Wild and Scenic River, Draft Management Plan (February 1990) has received a very favorable response within our organization for its ambitious Preferred Alternative. Not only does this plan apply sufficient resources to sound management principles, it adequately addresses all significant issues on the Lower Merced, including the Off Road Vehicle Issue. BLM is to be commended for farsighted management practices in this area. These have already enhanced visitor experience by removal of tons of garbage and the elimination of unsightly bogus mining claims.

The withdrawal from mineral entry (section 2) is important to complete BLM's work. Important progress towards curtailing suction dredging on the river to a recreational and non-intrusive level can now be achieved with a Withdrawal from Mineral Entry. On the South Fork of the Merced, the federal withdrawal of the riverbed in the South Fork's "recreational" and "scenic" sections ensures that federal management of the river will be consistent with California's policy of denying permits to placer mining in this state designated wild trout stream.

At the same time, it is important to us that Mariposa County have access to a reasonable and limited portion of the flow of the Merced River for meeting its very small municipal water needs. We have endorsed their Saxon Creek Project (Section 3) as meeting those criteria. Our work to protect the Merced River was never an attempt to deprive Mariposa County of water, rather it was an attempt to find a practical solution to local water supply problems while at the same time preserving a beautiful local, regional, and national resource - the canyons of the Merced River. The Saxon Creek Project is an elegant solution and consistent with that goal.

We do request that the Subcommittee consider making the North Fork of the Merced River a wild and scenic river study river. This river is the heart and center of much of the recreational area of the Lower Merced River and the BLM's Merced River Wilderness Study Area. We believe that a joint study by the Stanislaus National Forest and the Bureau of Land Management would result in its eventual recommendation as a wild and scenic river to Congress. Congressional study status would provide the North Fork with firm interim management protection until Congress could act on the agencies' recommendation.

This bill is ready to move; it has addressed the major regional concerns. We look forward with anticipation to a speedy passage of S. 2555.

Thank you,

Dr Ralph R. Mendershausen

Dr. Ralph R. Mendershausen,
Chairman, Merced Canyon Committee
4675 Usona Road
Mariposa, CA 95338
(209) 742-7734

FRIENDS
OF THE
RIVER

STATEMENT OF THE FRIENDS OF THE RIVER

HEARING ON S. 2555

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

OF THE UNITED STATES SENATE

June 26, 1990

909 12th Street, Suite 207, Sacramento, CA 95814-2931 (916) 442-3155 • S.F. Office: Fort Mason Center, Building C., San Francisco, CA 94123-1324 (415) 771-0400

STATEMENT OF THE FRIENDS OF THE RIVER

HEARING ON S. 2555

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 26, 1990

Mr. Chairman and Members of the Subcommittee,

My name is Ronald M. Stork, Associate Conservation Director of Friends of the River, a statewide river conservation group with over 10,000 members. The inclusion of the Merced River in the National Wild & Scenic River System has been a major focus of our efforts for over half a decade. We are very pleased to support S. 2555.

The Canyons of the Merced River are clearly a national treasure. Like many of you, I received my first breathtaking introduction to their beauty when I visited Yosemite National Park for the first time as a wide-eyed child. That appreciation has only grown with time.

This Subcommittee has shared in that wonder and reviewed the many hard, practical details of designation of the lower Merced River before – early in the 100th Congress. While this Subcommittee, and the U.S. Senate as a whole, passed legislation designating the lower Merced River in 1987, the House of Representatives chose to delay action until the effect of the designation of the lower Merced River on Mariposa's potential water supply development options could be clarified.

During that time, friends of the Merced River and the federal land management agencies have been working intently for much of this time with early opponents of wild and scenic river designation of the river to reach an accommodation with their concerns. That accommodation has been reached, and this bill is a reflection of those years of effort.

Designation of the lower Merced River has been supported by the National Park and Forest Service and the Bureau of Land Management for almost 4 years, beginning with the publication of the Sierra National Forest's Draft Land and Resource Management Plan in September of 1986. The provisions of this bill are tightly integrated into the Bureau of Land Management's Draft Merced River Wild & Scenic River Plan published *in advance of designation* in May of this year. Public support for wild and scenic designation of the Merced River has been the near universal response to the planning efforts of the Sierra National Forest and the Bureau of Land Management.

Friends of the River strongly supports the mineral withdrawal provisions of this bill. This is an essential part of the BLM's wild and scenic river management plan, and is strongly supported by most visitors to the canyon (at least one mining operation has threatened to excavate an entire

BLM public campground and the adjoining beach in a potential mining operation on their claims). We believe that the BLM's proposed plan to allow gold panning and dredging under its Special Recreation Permitting Regulations more appropriately accommodates the intense public recreational use and natural resources near the river than does the largely unregulatable mining activities that is permitted under the 1872 mining law.

Friends of the River supports the language in S. 2555 that recognizes the Secretary's authority to permit Mariposa's Saxon Creek project if it meets the standards of section 7 of the National Wild and Scenic Rivers Act. We believe that this project is capable of meeting those standards, and we understand that the Bureau of Land Management after reviewing the preliminary project plans has agreed with that view.

Friends of the River believes that S. 2555 does not intend to interfere with flood control operations at Lake McClure Reservoir. This intent was expressed in the Report language that created the lower Merced River Wild and Scenic Study River in 1987. We would support the continuation of such clarifying Report language.

The Committee should also be aware that the Stanislaus National Forest and the Bureau of Land Management intend to assess the Merced's North Fork for potential recommendation to Congress as a wild and scenic river in their upcoming management plans. The North Fork of the Merced is the heart of the lower Merced and the BLM's Merced River Wilderness Study Area. We believe that this Subcommittee should designate the North Fork as a Study River under section 5 of the National Wild & Scenic Rivers Act to provide the North Fork with the statutory interim management protection not provided rivers under agency initiated reviews.

We note that the Governor's Recreational Trails Committee has endorsed the creation of a bicycling, hiking, equestrian, and boating trail through the lower Merced River Canyon and has endorsed S. 2555 as consistent with that goal. We appreciate that support and commend the trails committee for that action.

The Subcommittee is scheduled to hear testimony from individuals interested in promoting hydroelectric dams and regional transportation corridors within the canyons of the Merced River. Although much could be said about this subject, several things are certain: there is little current interest in California's large community of water development districts in building new dams on the lower Merced River; and any associated rail developments within the canyon are viewed as obviously infeasible and of dubious practical utility by most knowledgeable rail transportation advocates in California. In such circumstances, it should be apparent why so little specific information is available about these "back of the envelope" proposals to this Subcommittee. What is clear about these proposals was documented in the BLM's recent Wild and Scenic River Management Plan Environmental Assessment -- such developments would degrade existing wild and scenic river values within the river canyon (not to mention the wilderness and wild and scenic values of the lower Merced River Canyon or its Recreational Trail).

Finally, we want to thank both Senator Alan Cranston and Pete Wilson for their long interest and support for the Merced River canyons. Their support along with local Congressmen Tony Coelho and his successor Gary Condit have been instrumental in the campaign to save this very precious national resource.

We urge you to join Friends of the River, Mariposa County, the Merced Canyon Committee, the California Wilderness Coaltion, the Wilderness Society, American Rivers, the Sierra Club, the Planning and Conservation League, and the California Recreational Trails Committee in supporting S. 2555.

Thank you,

Ronald M Stork

Ronald M. Stork

Associate Conservation Director
Friends of the River
909 12 Street #207
Sacramento, CA 95814
(916) 442-3155

attachments

MERCED RIVER BILLS – A CHRONOLOGY

House of Representatives

98th Congress

* March 29, 1984 - Congressman Tony Coelho introduced HR 5291, a measure to designate the 43 mile South Fork of the Merced River as a component of the National Wild and Scenic Rivers System.

* May 3 & 4, 1984 - Hearings held on HR 5291 before the Subcommittee on Public Lands and National Parks of the House Interior and Insular Affairs Committee.

99th Congress

* October 15, 1985 - Hearings before the National Parks Subcommittee in Yosemite National Park.

* August 15, 1986 - Congressman Tony Coelho introduced HR 5449, a measure to designate 71 miles of the upper Merced River and its South Fork. The measure would provide for a five year moratorium on water developments for the lower eight miles of the Merced River above Lake McClure Reservoir.

* September 1986 - Sierra National Forest releases Draft Forest Plan recommending Wild and Scenic River status for the South Fork Merced down to Lake McClure Reservoir.

100th Congress

* January 6, 1987 - Congressman Tony Coelho introduced HR 317, a measure identical to HR 5449 in the 99th Congress.

* March 5, 1987 - Hearings held on HR 317 by the National Parks and Public Lands Subcommittee of the House Interior Committee.

* March 17, 1987 - Subcommittee markup - minor technical amendments made to HR 317.

* March 18, 1987 - HR 317 passed by the full House Interior Committee and reported to the House floor.

* March 31, 1987 - HR 317 passed by the House of Representatives under a "suspension of the rules" - no amendments permitted and no recorded vote.

* October 13, 1987 - House of Representatives passes the final compromise measure.

U.S. Senate

100th Congress

* January 6, 1987 - Senators Pete Wilson and Alan Cranston introduce S. 275, a measure to designate the entire Merced River above Lake McClure and the Merced's South Fork.

* April 23, 1987 - Hearings on HR 317 and S 275 before the Public Lands, National Parks, and Forests Subcommittee of the Senate Energy and Natural Resources Committee.

* June 23, 1987 - Energy Committee markup - HR 317 is amended by substituting the language of S 275 (after some minor technical amendments are made) for the House passed HR 317. The Senate version of HR 317 is unanimously passed by the full Senate Energy Committee.

* July 8, 1987 - Senate passes its version of HR 317 by unanimous consent. The Senate version of HR 317 would designate the entire Merced River above Lake McClure Reservoir.

* September 28, 1987 - Compromise agreement reached between Senators Cranston, Wilson, and Representative Coelho. Study status for the Merced between Briceburg and Lake McClure Reservoir; and immediate designation for the upper Merced and its South Fork.

* October 16, 1987 - Senate passes the final compromise measure.

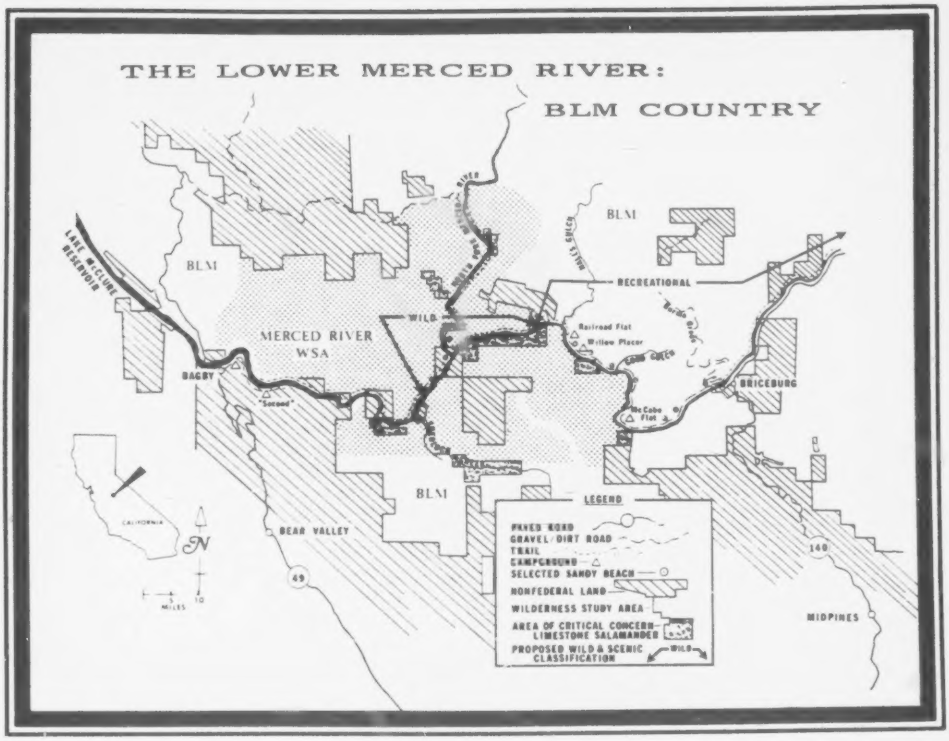
* October 21, 1987 - White House receives HR 317 from Congress.

* November 2, 1987 - The first Merced River Wild and Scenic bill (Public Law 100-149) signed by President Ronald Reagan.

101st Congress

* BLM Wild and Scenic study report released; and introduction of a lower Merced River Wild and Scenic River Bill?

FOR/RS/11/23/87


THE LOWER MERCED RIVER:
BLM COUNTRY
LAKE McCLURE RESERVOIR
BLM
MERCED RIVER WSA
BAGBY
"Second"
WILD
NORTH FORK MERCED RIVER
HALLS GULCH
BLM
RECREATIONAL
Railroad Flat
Willow Placer
Bordo Grade
SOUTH FORK
BRICEBURG
McCabe Flat
BLM
BEAR VALLEY
49
140
MIDPINES
CALIFORNIA
N
5
10
MILES
LEGEND
PAVED ROAD
GRAVEL/DIRT ROAD
TRAIL
CAMPGROUND
SELECTED SANDY BEACH
NONFEDERAL LAND
WILDERNESS STUDY AREA
AREA OF CRITICAL CONCERN-LIMESTONE SALAMANDER
PROPOSED WILD & SCENIC CLASSIFICATION
WILD

SIERRA CLUB
CALIFORNIA

TESTIMONY OF THE SIERRA CLUB

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

HEARING ON S. 2555

June 26, 1990

1014 Ninth Street, Suite 201 Sacramento, CA 95814 (916) 444 6906

TESTIMONY OF THE SIERRA CLUB
BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

HEARING ON S. 2555

June 26, 1990

Mr. Chairman and Honorable members of the Subcommittee,

It is with considerable pleasure that the Sierra Club presents this testimony before the Subcommittee. We wholeheartedly endorse S. 2555.

The Sierra Club has been actively working on the protection of the Merced River Canyon – the "gateway to Yosemite" – for many years, and have been actively supporting wild and scenic river designation of the Merced's canyons since 1983. This bill represents the culmination of those long efforts.

The passage of S. 2555 (coupled with the 1987 wild and scenic river designation of the upper Merced River and its South Fork) will do much to preserve the integrity of the Merced River, the wilderness values of the Merced River Wilderness Study Area, and establish Congressional recognition that unrestricted mining under the 1872 mining law is not the highest and best use of this intensively viewed and used narrow river corridor.

Sierra Club members from throughout California and the United States have worked many long hours to make the passage of this bill possible. This bill is supported by both of California's Senators and there is substantial support and understanding of the need and importance of this bill by important local and regional interests.

The Sierra Club urges you to support this bill.

Sincerely yours,

Stan Weidert, Chair
Sierra Club California
California Conservation Committee

Mariposa County
Board of Supervisors

DISTRICT 1 .... ARTHUR G. BAGGETT, JR.
DISTRICT 2 .... SALLY S. PUNTE
DISTRICT 3 .... ERIC J. ERICKSON
DISTRICT 4 ...... GEORGE P. RADANOVICH
DISTRICT 5 .... GERTRUDE R. TABER

JOHN W. McCAMMAN
Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222

TESTIMONY OF ARTHUR G. BAGGETT, JR.
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIPOSA
STATE OF CALIFORNIA

BEFORE THE
PUBLIC LANDS, NATIONAL PARKS, AND FORESTS SUB-COMMITTEE
OF THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

JUNE 26, 1990

HEARING ON S. 2555
REGARDING DESIGNATION OF THE LOWER MERCED RIVER
AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM

Mr. Chairman, unfortunately I am unable to address the committee in person today, but thank you for the opportunity to provide written testimony on behalf of the Board of Supervisors of the County of Mariposa in support of S. 2555, as introduced by Senator Cranston and co-sponsored by Senator Wilson.

On April 24, 1990, the Mariposa County Board of Supervisors (Resolution 90-213) and the Mariposa County Water Agency (Resolution 90-5) unanimously endorsed the bill now before the Committee. These resolutions are the culmination of the County's responsibility to find an adequate supply of domestic water for the citizens of Mariposa (the Saxon Creek Project), while meeting the intent of Congress when it designated the Lower Merced as a study river in 1987 to give the County time to design a water project that would be compatible with the requirements of the Wild and Scenic River system.

In the interest of brevity, I will not outline the numerous attributes and particulars of why the Lower Merced River is worthy of inclusion into the Wild and Scenic system. Senators Wilson and Cranston articulated the case fully in 1987 when your committee heard testimony on S. 275. Their testimony is more valid today with the ever-increasing rate of growth both in California (2.8% annually) and Mariposa County (5.5% in 1989). To quote Senator Wilson's 1987 testimony, "It is appropriate to act now to preserve and protect what tomorrow's generations are entitled to enjoy."

The Board of Supervisors considered the proposed steam locomotive from Bagby to El Portal which would require altering the Wild designation of the lower section. While we would like to see a transit system developed to Yosemite, we believe that it is a far more complex issue than the current train proposal addresses. Any future proposal will require extensive environmental review not only for the proposed route but for its impact on the total visitation potential on Yosemite National Park. Congress will be heavily involved in both of these issues. The Board has taken no action to change its unanimous support of S. 2555 as introduced.

While we support the mineral withdrawal section of the bill, the Board of Supervisors would like the Committee to consider report language that would make it clear that the portion of the bill that addresses mineral withdrawal within the high water area of the river is not intended to place requirements other than those currently existing on legitimate mineral projects outside of the proposed designation boundaries.

The Board would also like the committee to consider clarifying through report language the fact that this designation would not interfere with relicensing of the New

Exchequer Dam in the year 2014 or its operation by the Merced Irrigation District.

This bill makes certain that the Lower Merced River will be there for the public to enjoy, while providing consistently high-quality water for the people of Mariposa. It takes a big step toward striking a balance between the use of natural resources and protecting the environment.

Mr. Chairman, I urge you and the members of the committee to pass S. 2555 to grant the Lower Merced River the protection it fully deserves.

STATE OF CALIFORNIA—RESOURCES AGENCY
GEORGE DEUKMEJIAN, *Governor*
DEPARTMENT OF PARKS AND RECREATION
ECREATIONAL TRAILS COMMITTEE
P.O. Box 942896
Sacramento 94296-0001

RESOLUTION 90-03
ADOPTED BY THE CALIFORNIA RECREATIONAL TRAILS COMMITTEE AT ITS MEETING IN MARIPOSA, CALIFORNIA ON MAY 18, 1990

WHEREAS, the California Recreational Trails Committee has been appointed by the Governor to encourage expanded trail opportunities in California; and

WHEREAS, the Committee supports the preservation and development of scenic corridors and the development of trails as a means of expanding recreational and alternative transportation opportunities and improving the quality of life; and

WHEREAS, the Merced River corridor is of outstanding visual character and contains important riparian areas; and

WHEREAS, the Merced River Trail would connect Yosemite National Park with the great central valley generally following the river; and

WHEREAS, the Merced River Trail would provide recreational opportunities for bicyclists, hikers, equestrians and boaters; and

WHEREAS, Congressman Condit has introduced HR 4687 and Senator Cranston has introduced S 2555 which would designate the lower Merced River as a component of the National Wild and Scenic Rivers System; and

WHEREAS, these bills would direct the Secretary of the Interior to administer the river from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine as recreational, and the area immediately downstream to the maximum flood storage of Lake McClure as wild; and

NOW, THEREFORE, BE IT RESOLVED, that the California Recreational Trails Committee supports the provisions of HR 4687 and S 2555 to protect this valuable corridor for trail and other public uses compatible with the Wild and Scenic River Designation.

Mariposa County
Board of Supervisors

DISTRICT 1 .... ARTHUR G. BAGGETT, JR.
DISTRICT 2 .... SALLY S. PUNTE
DISTRICT 3 .... ERIC J. ERICKSON
DISTRICT 4 ...... GEORGE P. RADANOVICH
DISTRICT 5 .... GERTRUDE R. TABER

JOHN W. McCAMMAN
Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222

TESTIMONY OF ERIC J. ERICKSON

CHAIRMAN OF THE MARIPOSA COUNTY WATER AGENCY

COUNTY OF MARIPOSA

STATE OF CALIFORNIA

BEFORE THE

PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE

OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

JUNE 26, 1990

HEARING ON S.2555

REGARDING DESIGNATION OF THE LOWER MERCED RIVER

AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM

Mr. Chairman and Honorable Members of the Subcommittee. I am Mariposa County Supervisor Eric Erickson, Chairman of the Board of Directors of the Mariposa County Water Agency. I am a life-time resident of Mariposa County and am now completing my twelfth year and third term in office. Please accept my written testimony as Chairman of the Mariposa County Water Agency in support of Senate Bill 2555.

In 1960, Mariposa County and the Merced Irrigation District (M.I.D.) settled a dispute of water rights arising out of M.I.D.'s filing for unappropriated water of the Merced River originating in Mariposa County. This settlement stipulates that M.I.D. will not dispute

> "...depletion of stream flow in the quantities set forth in subparagraphs (a), (b) and (c) by future appropriations of water for reasonable beneficial use within Mariposa County; provided such future appropriations shall be initiated and consummated pursuant to Law.
>
> (a) From the South Fork of the Merced River a maximum of 500 cubic feet per second of water not to exceed a total of 112,000 acre-feet annually by direct diversion to beneficial use and/or by diversion to storage to be later applied to beneficial use..."

Since 1960, Mariposa County has committed a great deal of time and money to study our present and future water requirements. Presently, a project is under way to provide a dependable water supply to Mariposa County. Water will be removed from the Merced River to the Mariposa Public Utility District in the township of Mariposa. This project is known as the "Saxon Creek Project" and is permitted in the Bill before you today.

In the past, considering the agriculture and tourism base of the county, coupled with a small population, water projects for the benefit of the county involving the waters of the Merced have not been feasible. However, today there is a resurgence of interest in our mining and industrial potential. Mariposa County now supports a residential population of over 15,000. Between the 1970 and 1980 National Census, Mariposa County grew by 85%.

We expect similar growth between the 1980 and 1990 National Census. In 1980, the Mother Lode counties, including Mariposa County, represented 1.66% of the total population of the State of California. The California State Department of Finance, Population Unit, has projected by 1990 the Mother Lode counties of the State of California will represent 2.15% of the total population of the State of California. It can easily be seen that a rise from 1.66% to 2.15% of the total population of the State of California is a significant population increase. In addition to the population growth, in 1989 approximately 3,200,000 persons visited Yosemite National Park, with 4,000,000 projected for 1990. Of those approximately 3,200,000 persons, approximately 1,200,000 traveled through the populated areas of Mariposa County via Highway 140. Each of these visitors taxes the water resources of the County. Water is our most severely limiting factor.

We ask that you adopt this Bill in its present form to allow Mariposa County to best utilize our limited basic resources for the benefit of all present and future residents of Mariposa County.

PRESERVATION SOCIETY OF ELLICOTT HILL
P. O. BOX 537
NATCHEZ, MISSISSIPPI 39121

June 1, 1990

Mr. Stuart Johnson
Unit Manager
Natchez National Historical Park
P. O. Box 1086
Natchez, Mississippi 39121

Dear Mr. Johnson:

The Preservation Society of Ellicott Hill acquired the William Johnson House in 1976 from the descendants of the famous diarist. The Johnson heirs had voiced their intention to sell the property, and members of the Natchez Garden Club negotiated the purchase of the house by their non-profit preservation organization. The Preservation Society of Ellicott Hill purchased the property only to insure that the house would be preserved and restored to interpret the life of William Johnson, and to a larger extent, the African-American history of Natchez.

The Preservation Society has been unsuccessful in realizing its goal for the property. Repeated attempts to arrange for the sale of the property to local black organizations were not productive. In 1987, the Mississippi Department of Archives and History was empowered by the state legislature to acquire, restore, and interpret the property but received, instead of an appropriation, the creation of a historic properties trust fund. Purchase of the property was made dependent upon sufficient funds for acquisition and restoration being raised and deposited to the newly created trust fund.

The Mississippi Department of Archives and History has been working to raise funds for the William Johnson House and has conveyed to us their hopes that the property could be included as part of the Natchez National Historical Park. Archives and History has committed to raising the acquisition funds, which would allow them to first purchase and then donate the property to the National Park Service for inclusion in the park. The Preservation Society of Ellicott Hill wholeheartedly supports this concept, since it will fulfill the organization's long term goal for the William Johnson House property.

Sincerely,

Gere S. Campbell

Gere Campbell
President

06/26/90 14:5 CONG. MIKE PARKER, 4TH MS.

DAVID M. SMITH
ATTORNEY AT LAW

P.O. BOX 330
NATCHEZ, MISSISSIPPI 39121

(601) 442-6701
218 STATE STREET

June 1, 1990

Natchez National Historic Park
Natchez, Mississippi

Attn: Mr. Stuart Johnson

Re: 212 State Street
Natchez, Mississippi 39120

Dear Mr. Johnson:

David M. Smith and Thomas J. O'Beirne are the owners of the property located at 212 State Street, Natchez, Mississippi which has a common wall with the William Johnson house.

We would be interested in meeting with Park officials to discuss the sale of our property to the Park Service.

At such time as you would like to set up a meeting, please advise.

Sincerely yours,

Thomas J. O'Beirne

David M. Smith
Thomas J. O'Beirne

DMS:mb